

[The President]

[15th March 1928

Finance Committee.

1. Mr. K. R. Karant.	7. Mr. V. Ch. John.
2. " Basheer Ahmad Sayeed.	8. Rao Sahib R. Srinivasan.
3. " K. V. R. Swami.	9. T. M. Moidoo Sahib.
4. " K. R. Venkatarama Ayyar.	10. Mr. R. Nagan Gowda.
5. " Ch. Subramania Pillai.	11. " D. Thomas.
6. " P. Siva Rao.	12. Rajkumar S. N. Dorai Raja.

"As the number of candidates exceeds the number of vacancies, viz., seven and six, respectively, in each case, there will be elections by means of the single transferable vote. Hon. Members may receive from the Secretary, ballot papers containing a list of the nominated candidates between 1-30 and 2-30 p.m. to-morrow (16th instant). Hon. Members are at liberty to mark their preferences and deposit the marked ballot papers in the ballot boxes, placed in the Secretary's room before 3 p.m. to-morrow."

III

MOTIONS ON THE BUDGET FOR 1928-29.

DEMAND II—EXCISE.

The hon. Dr. P. SUBBARAYAN :—“On the recommendation of His Excellency the Governor, I move

‘that a sum not exceeding Rs. 37.71 lakhs be granted under “Demand II—Excise”,’”

* Mr. SAMI VENKATACHALAM CHETTI :—“Mr. President, Sir, I move

‘that the allotment of Rs. 1,86,400 for Superintendence be reduced by Rs. 100, to record disapproval of the excise policy of the Government.’

“It is an unfortunate and unpleasant necessity that year after year we are obliged to urge upon the Government the necessity of revising its excise policy so as to approximate itself as far as possible to the wishes of the people concerned. I am also surprised that my hon. Friend, the Sole Minister, has taken upon himself the responsibility of moving this demand. If the gentleman who was in charge of the portfolio had at least by word of mouth expressed his agreement with regard to the policy of the Government in regard to prohibition, I know, Sir, both by word of mouth and by actual action my hon. Friend, the Sole Minister, differs entirely from his predecessor. It therefore becomes all the more necessary for the House to express its unequivocal disapproval of the Government's indifference. Our tenderness or solicitude to this Minister or that Minister, ought not to stand in our way of voting directly for the amendment and also voting down the whole grant. I do not propose to enter into the question of the merits of the policy of prohibition. That is a question upon which there can possibly be no two opinions at all. Even my hon. Friends of the European community have by their last vote indicated their agreement for the goal of the Government being prohibition but that should be worked out within a period of twenty years. I should like to know whether any beginning has been made towards that policy so as to be able at least at the completion of the 20th year to say that there was no drink. Mr. President, I cannot repress tears in my eyes when I consider the question how the Government have been very sedulously increasing the drink in this country. As a matter of fact, the Government reports reveal that they are having an increased revenue with increase in consumption. The Government are

15th March 1928] [Mr. Sami Venkatachalam Chetti]

never tired of expressing sympathy with the depressed classes and the depressed classes are never tired of throwing the whole blame for the condition on us unfortunate men who are unable to do anything for them. Now, I ask those hon. Members representing the depressed classes whether they are satisfied with the policy of the Government in regard to this drink problem, whether they think that the Government are doing the only right thing by locating all shops if possible in the midst of the very cherries in which these poor unfortunate men live. Their vote on this question must be the answer to the Government—whether they approve of the location of these shops in the midst of these cherries or whether they do not approve of it. If they do not approve, no other reason can stand in their way of voting in favour of the amendment which I have the honour to move. If they wholly approve of the Government policy, by all means I invite them to vote with the Government and let them share with satisfaction the responsibility of having increased the poverty of their own brethren. Mr. President, upon this question rests, I am aware, the very existence of the sole Minister as such in our midst. I do not want, however, that consideration should weigh with those gentlemen who have already expressed disapproval of the Government's policy in regard to this question. They must completely divorce this question from the continuity of the sole Minister as a Minister or not. Whether Dr Subbarayan or Diwan Bahadur Arogyaswami Mudaliyar is in charge of it, it ought not to weigh with us in giving our vote directly. It is upon the prohibition question that we are called upon to give our vote. It is not on the contingency that if we vote for the motion Dr. Subbarayan will have to vacate. If we have to be tender and affectionate towards Dr. Subbarayan by all means let us be by showing personal courtesy and personal obligation (A voice: Outside, not here), not by jeopardising the interests of the country or by going behind our pledge or our own decision in regard to this question. I am appealing to all those gentlemen with whom I am afraid these considerations are weighing, not to swerve from the right path that has already been taken during the last occasion by voting upon this with us. I know, Sir, that Dr. P. Subbarayan is not unaware of the intensity of feeling of the non-official public and the non-official members of this Council. I am not at all afraid of what the result is going to be on this amendment. I am almost sure that the amendment will be carried. (Hear, hear.) I only want in this connexion that I may be permitted to state, Sir, that it is with feeling of despair that I am appealing to the Government. Government are not at all straightforward in their dealings. They are straightforward only in the sense of not doing anything in regard to minimising the drink evil. Otherwise I am quite sure the hon. the Finance Member must have been able to find some money towards the deficit for at least partial prohibition. But the manner in which all the monies that are available have been appropriated or—to say more correctly—misappropriated clearly indicates that the Government do not want any introduction of prohibition in the country however much we may protest. I only appeal to hon. Members who on the last occasion expressed their opinions so unequivocally on this question to support this motion. I move this."

* MR. BASHEER AHMAD SAYEED:—“Mr. President, Sir, the Government in this country is either responsible or irresponsible. We, Congressmen, have always contended that this bureaucratic Government is irresponsible; but the Government and its members have often told us that they are responsible to public opinion, to this Council, and also to the vote of this House. Whatever

[Mr. Basheer Ahmad Sayeed]

[15th March 1928]

that may be, events have proved to the contrary. Under this reformed constitution which we are working it is said the Ministers are responsible to the Council. But even there, the Ministers hitherto have not shown any responsibility towards this Council. They have not, in spite of eight years' office, one set after another, in spite of professed sympathy for the depressed classes who are affected mostly by the drink evil—the late Ministers and the present Minister all these have been non-Brahmans—they have not raised their little finger to put an end to this evil of drink, nor have they done anything even to minimise the evils of drink. On the other hand, time and again, this House has called upon them almost unanimously to take substantial steps towards the reduction of drink and also to minimise the evils resulting therefrom. They have no doubt given undertakings so often and so profusely to bring in a policy of total prohibition and to give effect to it by progressive moderation, but nothing seems to have been done so far. The ex-Minister once made us understand that he would bring in a total prohibition Bill, but that has never seen the light of day and we are yet to know what had happened to any Bill that was proposed or drafted within the Cabinet or outside it. Members of this Council gave notice of Bills for local option ; the Government summarily rejected these Bills without even giving reasons ; and when I called for reasons for the rejection of a moderate measure like local option, no reasons were forthcoming. The correspondence was supposed to be confidential. If this is the way in which Ministers are to behave under the present Reform scheme which is supposed to have given responsibility to a large extent to the popular representatives, we say we shall have nothing to do with such reforms. So it is we have often tried and are still trying—ultimately we shall succeed—to expose this sham of responsibility, this sham of popular Government. Municipalities, especially the City Corporation, have approached the Government by unanimous resolutions asking for full discretion in the matter of allowing or not allowing toddy shops and arrack shops within the city limits and the Government have never acceded to these requests ; and yet we are told that the Ministers are responsible to this House. The licensing boards are a big scandal, to say the least of it. They are never guided by the non-officials who are there ; their opinion is flouted, and instances are not wanting to show that the recommendations of the licensing boards have not been given any heed to at all on several occasions. The case of the Madras Licensing Board is in point. I know the several members of the licensing board, if they were here, would have borne me out as to how the licensing board is really made to act. Prohibition, they say, has been declared to be the policy of the Government ; yet the Government, the ministerialist party as such, have not taken steps to see that prohibition is brought home and brought nearer to the people. They have always stood on the so-called reasons that the revenues of the country will suffer ; but they have not realized that what the Government may suffer temporarily by the reduction of consumption by the abolition of arrack and toddy shops, they will stand to gain in the long run, in the course of a few years, not more than a decade, double and treble the amount that they may lose by such a policy of immediate total prohibition. Other countries have adopted total prohibition ; and there may be a difference of opinion as to whether it had been a success or failure. With regard to prohibition in America, I am led to believe—I think I am right and I stand among those who believe—that prohibition has immensely succeeded in America, and their income, their sources of profit, their health and their economic conditions have improved much more than was expected. In this

15th March 1928] [Mr. Basheer Ahmad Sayeed]

country, no arguments are necessary to show that if only the evil of drink is put an end to, this country will stand to gain a good deal from every point of view. Mortality will be reduced, families of labourers and other workers will live in happiness and healthy conditions of life will prevail. There may be some temporary loss of revenue to the Government, but that loss the Government is there to bear for the well-being of those whom they are said to govern. If the Government fears that there is a likelihood of its revenues being lost, it is up to it to find out fresh sources of revenue to make up the loss that might be incurred by the policy of total immediate prohibition. The Government have failed to explore fresh avenues or sources of income, but have always been sitting tight over the revenues, the immoral revenues, that they are deriving from their policy of excise. This policy has been condemned, and condemned more than once. Either the Government wants to be here or they do not want to be here. If the Government wants to be here, let them accede to the request of the people. The national aspiration has always been towards total prohibition. And there have been times in the past when people have taken drastic steps to embarrass this Government and the day will not be far off when a fresh campaign will be launched—thanks to God, Mahatmaji is still alive and he may come back to the political life to-morrow or the day after, we do not know when, and when once again he is in the thick of the fight, the Government may have to lose this country very soon. If they want to be here in their own welfare, for settling their affairs in a calm and collected manner, let them adopt this policy of total prohibition here and now and let them justify their having been in this country for so many years and for the welfare of the people over whom they govern. It is no use that they should show such callousness in spite of the vote of this House on several occasions. At least from now, I hope the Government will adopt a policy which will satisfy the demands of the people, which will relieve them of the greatest drain that they are experiencing, and will bring about national welfare and national well-being. I therefore support this motion."

* Mr. J. A. SALDANHA :—“ Mr. President, Sir, this House is at a loss to know what the exact policy of the Government is in the matter of excise, whether it is total prohibition or any prohibition, whether it is temperance or encouragement of intemperance. As a matter of fact, their policy tends towards the last, i.e., encouragement of intemperance. The figures are in support of this theory. The consumption and revenue have been shown to increase, and in the coming year the revenue is expected to give four lakhs more. The methods employed by the Government also to a great extent tend to encourage intemperance. Another feature is that they tend to increased importation and increase in consumption of European liquors. It appears the policy is inspired and dictated by the Government of India, because this tendency for increase in consumption of European liquors is noticed also in the Bombay Presidency as in this Presidency. It appears as if the whole principle that underlies the policy of Government is to encourage the importation and consumption of English liquors or Scotch whiskies. I shall demonstrate this by one instance. There are five taluks in this Presidency in which there is total prohibition of arrack. I have been asking almost at every session of the Council whether in these taluks importation of and traffic in European liquors is allowed. During the regime of my hon. Friend Sir Patro there was a gradual decrease from six to one shop. During the regime of my hon. Friend Mr. Arogyaswami Mudaliyar . . . ”

[15th March 1928]

* The hon. the PRESIDENT :—“ We have got to deal with the temporary regime of Dr. Subbarayan.”

* Mr. J. A. SALDANHA :—“ These shops have begun to increase. Sir Patro promised to abolish all the European liquor shops, but during the regime of my hon. Friend, Mr. Arogyaswami Mudaliyar, they have begun to increase. And when a question was asked at the last session why this increase was allowed, he could give no reason except that it was considered necessary to have licensed European liquor shops. In these five taluks there are scarcely any Europeans and yet European liquors are allowed. It shows that this policy of Government is not at all conducive to checking intemperance, and there is no such policy as temperance policy. At least results do not show that there has been any such policy at all.

11-30 a.m. “ When Mr. Arogyaswami Mudaliyar happened to come to Mangalore as Excise Minister I myself placed before him the views of the Kanara Indian Christian Civic League of which I am a member, the views of the majority of the Indian Christians echoing those of an eminent Catholic writer: ‘ Total prohibition, we believe, will never take universal hold ; but there is a chance that prohibition of distilled spirits of all kinds might have a chance, so long as the more innocent kinds of wines and beers were tolerated. With the prohibition of spirits not all drunkenness would be removed : but the drink evil would lose its gigantic proportions, and the monster of alcoholism would be practically decapitated.’ (Fr. Hull’s Drink Problem.) This is the policy of a class of politicians in America just now, and it is in fact one of the tickets on which a candidate seeks election for the presidency. It is called wines and beer policy. Here in India I may call it toddy policy. So far as distilled liquors are concerned, I think the universal opinion is that there should be total prohibition of arrack, at the same time total prohibition of European liquors. If Government do not prohibit both, and prohibit only arrack, there will be encouragement for drinking European liquors like whisky. I myself brought a Bill before the Government with a view to discourage importation and sale of foreign liquors. That Bill was intended to place all clubs on a par with liquor shops as to the duties and rates payable by them. That Bill ran the gauntlet of the Government of India and later on it was sent to the Local Government and has long been pending the sanction of that Government. Though the Government of Bombay two years ago passed a similar Bill by which they are getting a revenue of three or four lakhs, yet it is very strange that my Bill does not yet find acceptance at the hands of the Madras Government. This fact along with a host of other facts shows what the policy of Government is. In fact, their policy is to offer every inducement to encourage intemperance. For instance, liquor shops are placed as close as possible to the roads. In more than one case I brought to the notice of the authorities that the position of the shops was one which attracts people to drinking, but they say that they could not have the shops in any other place. As a member of the local Licensing Advisory Board I have had to suggest but in vain that the location of one of the shops should be far away from the road so as not to attract people to come and drink. I might also mention a number of other instances which go to prove that Government is not at all honestly earnest about the encouragement of temperance. As to total prohibition they are also absolutely against it. My hon. Friend Mr. Arogyaswami Mudaliyar preached from the house-tops his policy of prohibition or at least he wanted to introduce it in two districts. I believe he also prepared amendments to the Abkari

15th March 1928]

[Mr. J. A. Saldanha]

Act in order to make the necessary changes, but my hon. Friend Dr. Subbarayan, at a meeting of the European Association, gave away the whole case for prohibition by saying that it was impossible to introduce it. This announcement was applauded by the European Association and in very glowing terms by the *Madras Mail*. I believe my hon. Friend the late Excise Minister was earnest at heart, but, if I guess rightly, the Government in the Reserved Half was and is against the prohibition policy. I know that Dr. Subbarayan supported the Reserved Half against that policy though he has never taken the Excise portfolio."

* The hon. the PRESIDENT :—“The hon. gentleman will know that he is to-day responsible for it.”

* Mr. J. A. SALDANHA :—“But he is responsible for his action in the past and he has taken the sole responsibility as Chief Minister to be against total prohibition or, in fact, against any temperance policy. His policy is to encourage importation of European liquors and to encourage European industry. If I may be allowed to add one more point, I would like to say this: When Mr. Arogyaswami Mudaliyar was at Mangalore, my league laid stress upon the encouragement of the production of power alcohol which has been introduced in Java and in other places. In reply to certain questions I put, he held out promises that he would carefully consider the question in regard to the production of power alcohol in this country. We must get men trained in India and Europe for the production of power alcohol in India. We have got all the necessary materials in India to produce power alcohol of a superior character which will be equal to petrol and which can be used for driving power. With the policy of discouragement that is given to any Indian industry it must follow that Government cannot encourage the production of power alcohol. They must discourage this because it is a monopoly of certain European firms. If India is allowed her own way in the production of spirits, surely there would be a time when in every district we could produce liquor of the best quality. But the policy of producing it in one place or two places has ruined practically the industry. In Scotland there is free production of liquor and any firm can produce liquor subject to payment of high licensing fees. Why should that not be allowed in India? And why should there be monopoly for any one firm. Would they allow this kind of monopoly in England or Scotland? They would not. Our Friends might laugh at it, but it is not a laughing matter for us. Though many people in Scotland do not drink liquor, yet they make it a point to produce whisky. I therefore appeal to all my Friends that they should support the policy of total prohibition and also provide facilities for the production of our own liquor and power alcohol, that is, the industrialization by Indians of Indian liquor. But as long as the anti-Indian policy runs supreme and the Ministers are hopelessly helpless and impotent (cheers) we cannot get that. Therefore I appeal to the Members of this House to pass this vote. Never mind the Ministers; they may come, and they may go, but we don't go, and here is the policy of the Government which we should most heartily condemn and condemn with all vehemence for it is ruinous to our health, wealth, prosperity and our morality.”

Mr. J. A. DAVIS :—“Mr. President, Sir, it is mainly on the economic side of the prohibition question that I stand to speak. It was during the Justice Ministry that we in the Nilgiris got partial prohibition, the main ground

[Mr. J. A. Davis]

[15th March 1928]

being they thought that something ought to be done for them. We are thankful to the Justice Ministry for what they have done for the hill tribes of the Nilgiris by giving them partial prohibition. There is no denying the fact that there is great difficulty in working this partial prohibition and it will be remembered that during the Justice Ministry this Council resolved to have prohibition in 20 years. When the Justice Ministry went out of office and the next Ministry came in, the same resolution was again passed, viz., prohibition in 20 years which should be only 17 years as three years had already passed since the original declaration. We don't want a resolution that we want prohibition in 20 years, year by year, but we want prohibition in 20 stages. It is most unfortunate that the late Excise Minister is not in office to-day, for, if he had been here to-day, he would have joined us in that policy and given us at least another stage of prohibition—partial prohibition on the Nilgiris, due to the fact that we have placed before him the great difficulty of working the present system. He was standing, I know, for completely stopping the sale of arrack on the Nilgiris.

11-45
a.m.

"It is all very well, Sir, to talk of prohibition, but we have on the other side to face the economic aspect of the question. Perhaps many of the Members of this House do know where to stop, but there are certain people like the depressed classes and the hill tribes who cannot do so. If they get half-a-rupee a day, they will spend that on drink and thus we have to look at the economic side of the question also. But, there is also the revenue to be considered. We have always been met with the statement that if we wanted to have prohibition, where was the revenue to come from. It is for that reason that I propose that we go stage by stage for 20 years. It would be quite an easy matter for this House if the Excise Minister were to declare to-day that he is prepared to accept the policy and give effect to one-twentieth of the Excise Policy that has been accepted by the House. If the Minister will give out something like this at this stage, I think the whole House will be satisfied and I think the Excise Minister can make some such definite statement, that he will go stage by stage and not wait for 20 years. I am sure if this assurance is given, a compromise can be effected on this question."

• Rajkumar S. N. DORAI RAJA :—“Mr. President, Sir, I am one of those people that do not want any pressure to be put on the revenues. I am one of those who do not find any salve to the conscience by legislation. With all that, I have the greatest sympathy with the mover of this cut motion. I know that most of the agriculturists, in the Tanjore district especially, are badly in the grip of this vice. But what about the 5 crores of revenue that we get? That is the problem that stares us in the face, and that would stare in the face of any thinking man. Sir, the Government cannot be carried on and it cannot live on air. Government is a business proposition and not a philanthropic institution. Pudukottah is a little State that I come from. We tried our very best to introduce prohibition, but found so many difficulties in our way. So, also, I am perfectly sure that my hon. Friend, Diwan Bahadur M. Krishnan Nayar, a reputed Statesman, tried that in Travancore also. Responsibility is one thing and irresponsibility is another. There is the Government of India to think about and the Government of Madras are in a difficult situation and are trying their best to minimise the vice. Instead of thanks they get kicks. Well, Sir, I should be glad if to-morrow most of the Members of this Council go to their electorates without their fear of future elections looming large and tell them that drink is an evil and should foot the bill. If

15th March 1928]

[Mr. S. N. Dorai Raja]

they do, I know in about 20 years' time they will be 100 per cent better off. Otherwise, I am very sorry, I have to vote against this motion because it is a case of where to find the revenues from."

* Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, Sir, the hon. Member from Pudukkottah, who has just sat down has assumed the role of an apologist. In him the Government would always find one of the strongest and the stoutest defenders of their policy. But that is by the way.

“ Coming to the subject on hand, I wish to make a few observations. It is really a sorry and melancholy spectacle to find an Indian Minister in charge of Excise finding himself unable to do or doing practically nothing in the direction of total prohibition. I regard this revenue under Excise as a loot; it is a loot. I find it impossible to find any other expression to characterize this heart-rending attitude on the part of the Government. What is it, if not looting the economic conditions of the people, taking advantage of their weaknesses? Now, Sir, on turning to the Budget, you will find that year after year the revenue under this head has shown a tendency to increase. But the Government may very well congratulate itself on this reflection, that in the weakness of the drinking class or in the ranks of drinking classes they have a large number of willing co-operators, who are determined to co-operate with the Government to the extent of augmenting the Excise revenue.

“ What is it that the Government have done? Is it open to the Government to continue this policy which has had the indubitable effect of emasculating the nation? Can any Government sacrifice the prosperity and contentment of the people for the sake of revenue? It has been said by one Member that the revenue under this head comes to a little over five crores and he asked ‘ How are you going to find ways and means by which you can tackle the problem with a view to replace the loss of revenue? ’ If that is the standard which one has to set before himself, the Government may very well go and plunder and say, ‘ We are short of funds and therefore we are going to plunder you.’ No other argument is possible under the circumstances.

“ Now, Sir, this House has committed itself already to a policy of total prohibition by successive stages. Revenue under Excise amounting to five crores means a consumption of the value of fifteen crores a year, or, in other words, year in year out, fifteen crores of rupees are made to evaporate, that is to say, people are deprived every year of money to the extent of fifteen crores of rupees. Is that a desirable or satisfactory state of things? Can the Government afford to look at this with stoic indifference having its eye more upon the revenue than upon the people whose well-being and interests are in their hands? I do realize as I must recognize the practical difficulties in the way of bringing total prohibition in a day. It will be almost an impossible task. There are difficulties too numerous to mention, for it may not be quite possible to replace immediately the loss of revenue or expenditure of such a large amount of money. But, it would be possible for the Government to make a serious beginning, to try an experiment in two or three districts every year, so that in the short space of time, say, within a period of about 12 or 15 years, it would be possible to make the Province dry. But, nothing in that connexion appears to have been done in this matter. And so it was that I was obliged to say much against my will and characterise the attitude of the Government as absolutely heart-rending.

[Mr. R. Srinivasa Ayyangar] [15th March 1928]

“These seven years this question has been before the House. And during every budget time, the question of the Excise policy was mooted but with absolutely no result. A year or two ago the Government of Madras set up what is known as the Excise Licensing Board, but what are their powers, what are their functions and under what restrictions have they been placed? So far as these boards are concerned, they can only reduce the number of shops by one-fifth or, in other words, in localities or municipalities where you have six shops, they can cut it down to five, or reduce it by one. So far as their ultimate powers are concerned, the utmost extent to which they can reduce is one-third and they should not do further. That is the kind of constitution under which these Excise Licensing Boards are functioning. Is it reasonable to suppose that under these limitations any Licensing Board can function satisfactorily? And, there is yet another difficulty. It is regarded that the money drawn from the people under Excise is tainted money. It is a tax on the vices of the people! No man has a right to take advantage of the vice of the people, virtually emasculating them. There is revenue on the one side and the manhood of the nation on the other, and it is up to the Government to prefer the latter to the former. But the Government have been pursuing a most inhuman and short-sighted policy. It is up to the Minister to introduce the change, but if he goes on in this indifferent fashion, as long as the Ministry continues, whatever its colour, nature, complexion or constitution may be, we shall repeat the attack and shall not rest content until we get what we want.”

Mr. S. ARPUDASWAMI UDAYAR:—“Mr. President, Sir, I have tabled a motion, but I have taken care to state that it is only to discuss the policy by suggesting the lines along which temperance reform may be carried.”

* The hon. the PRESIDENT:—“This is a motion to disapprove the policy of the Government. But if the hon. Member wants to speak on his motion, he will have to wait.”

Mr. S. ARPUDASWAMI UDAYAR:—“Yes, Sir, I will wait.”

* Mr. V. I. MUNISWAMI PILLAI:—“Mr. President, Sir, I am sorry to find that the present policy of the Government, as far as the matter of Excise is concerned, is not a satisfactory one (hear, hear) from the depressed classes' point of view. It has been stated on the floor of this House that the economic condition of the depressed classes is very bad and some steps must be taken to remedy matters. To my great surprise, I find that very little has been done as one could expect. The unemployment question and the consequent poverty-stricken state of the depressed classes has crippled them to be bankrupts. I know, Sir, instances in the rural parts where the people who do not earn more than two annas a day were engaging themselves in the taverns and toddy shops to get a decent drink in the evening by borrowing money at the rate of two annas per Rs. 10 per week. It has been stated by several of the conferences over which I presided, that if there were to be any reform, it must be in the eradication of the drink evil, which has crippled the community and reduced it to a state of bankruptcy. Besides that, Sir, the depressed classes are not given free access even to enter the premises of toddy shops, and to those of the literate section of the depressed classes, it is greatly wounding to see such a state of affairs existing at a time when we have got so much confidence in the Government.

15th March 1928]

[Mr. V. I. Muniswami Pillai]

* "Moreover, Sir, the stated hours of the opening and closing of the shops are not strictly adhered to. In Malabar where I had been to study the conditions of the depressed classes, I saw these taverns kept open at about 6 o'clock before the agricultural labourer could go to the fields. I think the time has come when the Government must see that prohibition is introduced by successive stages so that total prohibition may be reached at least within the next nineteen years. There is another important factor which I should like to place before this House and it is that it is a well-known fact that an advisory committee for excise has been constituted a year before. I do not think that this committee ever met and discussed anything on this important question. Sir, it may be that I may have to vote with the Government on this very important question, for many reasons, but I may say from my heart of hearts that total prohibition is the real thing that is wanted by the community and in order to ameliorate their condition this is the vital thing which has to be taken into consideration immediately by the Government."

* Mr. T. ADINARAYANA CHETTIYAR:—"Sir, if the topic of prohibition is an annual one, it is because the flow of Government drink is perennial. Sir, one is rather dissuaded from speaking on this topic, seeing how my hon. Friend Mr. Muniswami Pillai belonging, as he does, to a community perhaps worst affected by this evil, tangibly and visibly affected by this evil, and coming as he does from the Nilgiris where if at all there is a demand anywhere for prohibition from drink there is the greatest demand among the hill tribes when that good friend of mine—for I have very great esteem for him—says that after all is said and done his vote will be with the Government, and says that in advance, even before listening to the all-round all in all Minister on this question, when we see this sort of attitude on the part of people from whom we expect very much better, one is, as I said, dissuaded from making a speech on this occasion. Sir, the Simon Commission has come but not gone. The task which they have placed before us is that each one of us should sit at his desk and write essays on self-government, and I am sure there will be people enough to write a cart-load of such essays to be placed before them. But whatever may be the ultimate result of that shower of essays which they have invited, we have no illusions, at least we on this side of the House have no illusions. Whatever may be the difference of opinion between the Government and ourselves about the form of Government, prohibition is a topic on which we are apparently agreed; for the Government, from time immemorial, if I may say so, have been saying that their object is to have total prohibition—just as their object is also swaraj—but by successive stages. So also in the matter of prohibition, the methods they have pursued are methods which will take us not towards prohibition, either total or partial, but towards the other place which I would rather like not to mention in any decent place. The Government, whenever this inconvenient topic crops up, give us either committees or reports. The last report, Sir, was dated 1925, and it is still fresh in our memory. That report was the result, as the Government said, of a very careful enquiry into the methods of introducing prohibition in Southern India. A very expensive committee on this question went, not abroad, but to other provinces, and after an elaborate dissertation on the Bengal system, the Bombay system, the surcharge system and every other system in the world, came to the conclusion that there is no place like home, i.e., that the method which they have been following, was the best. The Government policy is already there; they are restricting the

[Mr. T. Adinarayana Chettiar] [15th March 1928]

number of shops, they are increasing the price and the tree tax has also gone up. What more do you want? The millennium will come—only the people's patience must last long enough to survive till that millennium.

"Then, Sir, there is another perennial answer, namely, that of revenue, about which my hon. Friend Mr. Dorai Raja is so very touchy. He seems to be more anxious about the finances of the Government than the hon. Mr. Moir himself. Still, I would like to know from the hon. Mr. Dorai Raja how in other countries which are supposed to be a little more civilized than ours, say in America, they are getting on with this question of prohibition. The drink habit must be naturally greater there and the income must also be greater to the Government there. If the greatest republic in the world can get on without that tangible portion of its revenue from drink, I cannot see why we in this country cannot get on without that revenue. I know the hon. Mr. Moir will take up cudgels against such a proposition. But where on earth can there be any reason for not attempting prohibition at least on a partial scale? Sir, governments come and governments go, Ministers come and Ministers go; but the fate of the ryots before whom the temptation of drink is so shamelessly placed seems to be absolutely hopeless. The previous Minister came to the conclusion about three years back that total prohibition in twenty years was the ideal to be kept in mind. If drink has to disappear in twenty years, even ordinary people with ordinary intelligence would ask at the end of the first year, 'Has five per cent of it gone' and at the end of the second year 'Has another five per cent gone' and at the end of the third year 'Has yet another five per cent of it gone'? Arithmetic seems to be not an exact science so far as the Government are concerned.

"Sir, again, there is the bogey of illicit distillation. May I ask, Sir, whether in America where they have attempted to solve this question, almost to the admiration of the whole world, the people do not know what this question is? How have they combated it? If it is possible in America, should it not be possible in this country where even to protect the Simon seven we had some troops in this Madras City itself and where people are so docile and law-fearing? I do not think that any of these arguments will apply for a moment to this question of at least partial prohibition. Sir, as I said, the avowed policy of the late Ministry was prohibition in twenty years, but unfortunately for it, this House had an opportunity of testing the honesty of its professions. Within 72 hours of the passing of that resolution almost unanimously, I moved the adjournment of the business of the House, and wanted an assurance from Sir Patro that at least three shops in the Madras City would be closed as recommended by the City Excise Committee. But how vehemently he then opposed it and thus gave us an idea of the sincerity of his party in the matter of total prohibition! But let bygones be by-gones. Mr. Arogyaswami Mudaliyar with his high sense of duty (A voice: 'Consistency!')—yes, but I hope to-day he will vote with us—the hon. Mr. Arogyaswami Mudaliyar with his high ideals to which he gave expression only the day before yesterday, when he came to office, fed us with the hope of having total prohibition, at least partial prohibition. We who could not peep into the working of the Government but had to be content with some of the side-lights which escaped through the chinks of the door of the Cabinet room, we could hear of the great fight that was going on

15th March 1928] [Mr. T. Adinarayana Chettiar]

between him and the hon. Mr. Moir who, I am glad, is present here now. When he gave an explanation of the circumstances under which he had to lay down his high and responsible office of Minister, the House expected to hear something of that struggle, of the war which he was waging all these one and a half years with the hon. Mr. Moir on this question of total or partial prohibition. But we were denied that knowledge. Therefore, Sir, under the happy family of the late Ministry—or under the unhappy family of the late or rather the just retired Ministry—the fate of the ryot seemed to be no better. Apart from the question of prohibition, even as regards the present ordinary humdrum life, we do not know whether anything has been done which is worth our while to examine. For instance, as regards the location of toddy shops, it is a standing scandal. When Members of this Council who are supposed to represent millions, at least hundreds of thousands, of voters come and move the Government by humble petitions and otherwise for the removal of certain shops from places where our countrymen feel that they are a source of irritation to decent people, the Ministers express themselves unable to do so. Sir, in the district of North Arcot, there has been a toddy shop located at the junction of the four main roads next to the high school, adjacent to two mills and very near the railway station. Both students, mill-hands and agricultural labourers have to pass that place compulsorily at least four times a day. The Tahsildar wrote against it. Even the Abbkari officers were not very insistent about having it there. The people petitioned against it again and again; but the word of the Collector prevailed, and he said that it was the proper place for its location. I am sorry to tell you, Sir, that from 1923 all our efforts to remove it have failed and even this day it is waxing and flourishing there in the same locality. In Ambur, another place in North Arcot district, at a place which is on the high-road, in the most congested part of the poor peoples' quarters, an arrack shop and a toddy shop—as if one evil is not enough—were located. For the arrack shop, there was no suitable building. That was the report about to be made by the Excise officer, but the people were not to be denied the use of that luxury called arrack. Therefore, within 48 hours a big pucca building was built by the contractor, and it has been licensed. The poor people of Ambur in the district of North Arcot—which has attained a record for emigration in the whole Province—are given the advantage of having not only a toddy shop but an arrack shop also in their midst. When I complained about it to my hon. Friend Mr. Arogyaswami Mudaliyar, he said, 'Sir, to tell you the truth, I am unable to interfere. Unless I go to Ambur and say that the locality is to my knowledge objectionable, there is no use. If I go by the records, all my subordinates, as if by a conspiracy, seem to go against the people in this matter'. Sir, if such is the misfortune of the people, and if the Government go on telling us year after year that they are for total prohibition, that they are making every honest endeavour, that there is the bogey of finance, this, that and everything else, how are we to believe them? Sir, that eminent friend of India, Mr. Fenner Brockway who is leaving us to-day, gave us yesterday in one sentence his impression of rural India. He said that wherever one goes people wanted only two things, i.e., roads for carting their produce and getting their manures from distant places to the fields, and the removal of the toddy shop. If it strikes a stray visitor, a sympathetic visitor though he may be, during a short stay in India, that the greatest cry of the poor people in the country is the removal of the toddy shops, and if in this

[Mr T. Adinarayana Chettiyar] [15th March 1928]

House resolution after resolution has been passed and 'cut' after 'cut' has been adopted only to be wiped away by the Government, if that is the scant courtesy with which this House is to be treated after years of agitation, I must cry in despair, how are we going to get on in this country? Of course it is preached to us in season and out of season that people could set up counter attractions to these shops and that more tea shops and clubs should be opened. Because the Government are creating a big attraction by locating toddy shops in the main roads and refusing to remove them though the united demand of the agricultural labourers is that they should be removed—not only that, they keep those shops open at all sorts of hours—it comes with ill-grace from them when they say so. As a matter of fact, my Friend Mr. Muniswami Pillai said that toddy shops are kept open even from 6 a.m. in Malabar and I also personally know that in the Madras City shops are closed outwardly at the prescribed time, but that there are always side-doors in every toddy shop from which toddy is being sold, perhaps at a higher rate, but it is available at all hours of the day or night. And not only under the very nose of the police

12-15 p.m. these toddy shop contractors tom-tom reduction of prices openly in the streets, but they place beautiful pictures in front of the shops to attract people, they put up gas-lights."

Dr. B. S. MALLAYYA :—"Playing of bands also."

* Mr. T. ADINARAYANA CHETTIYAR :—"And playing of bands also, as my hon. Friend Dr. B. S. Mallayya speaks from his unique experience of Madras. It is also a most pitiful sight to see the toddy contractors as members of the Advisory Committee and the hollowness of the scheme was ably exposed by my hon. Friend Mr. Arogyaswami Mudaliyar. I advise Government to be honest in their attempts and not to shilly-shally with the people. We have tried several means of informing Government of the opinion of the country and having failed in those attempts we have now pitched upon the only and effective recourse of voting unanimously and strongly against the grant asked for and thus bringing pressure upon the Government so that they may become conscious of the real resentment of the people at the Government's hypocritic policy of promising total prohibition while actually placing more temptations in the path of the defenceless ryot."

* Mr. N. SIVA RAJ :—"Mr. President, Sir, I think it was my hon. Friend the learned Member for the University who, once quoting the late Mr. C. R. Das, said that one should not take the advice of a political opponent. I mean to follow that dictum to-day and oppose this motion coming as it does. . . ."

Dr. B. S. MALLAYYA :—"Depressed classes!"

Mr. N. SIVA RAJ :—"I will come to that later on. I said, coming as it does from an Opposition which has committed itself to a policy of wilful obstruction and so far as I am aware, is incapable of any helpful criticism."

(A voice : "What is your criticism?")

"I have no doubt in my mind that the hon. Mover of this resolution had the best of motives in this matter, and I am not going to suggest for a moment that, in his appeal to the depressed classes, he had anything but their interests at heart. Nor am I going to suggest that drink has not got injurious effect. I want to say however, that whatever may be the effect of this evil habit upon their economic prosperity, I know most of the depressed classes

15th March 1928]

[Mr. N. Siva Raj]

take toddy and they say they take it as a solace for the ills and sufferings they undergo, at the hands of the castemen and the capitalists, and in their present surroundings.

Somehow or other members of the Opposition have developed a happy knack of talking on every subject in complete and convenient isolation. They moved token motions to reduce court-fees, land tax, etc."

(Voices from the Swarajist bench :—"The House voted it in spite of it.")

* The hon. the PRESIDENT :—"The hon. Member may be allowed to have his say undisturbed."

* Mr. N. SIVA RAJ :—"The Members of the Opposition advocate the policy of prohibition closing their eyes to the fact that such a policy besides depriving Government of one of its important sources of revenue involves extra expenditure. Personally I have been asking for various benefits to be conferred upon the depressed classes and those demands involve considerable amount of expenditure. I will never be a party to following a policy of blowing hot and cold in the same breath. I cannot vote for a motion which means loss of revenue to the Government. There is also a proper time to ask Government to launch upon a policy of prohibition. When the Government enters upon huge schemes of irrigation which take away a major portion of the revenue how can we in justice ask the Government to abolish excise revenue totally when they are in dire need of more money? Hence I oppose this motion."

Mr. ABDUL HAMID KHAN :—"I do take it as a pleasure to follow the arguments of my hon. Friend Mr. Siva Raj. Whenever he comes forward with arguments like these I know he does not mean what he says (Laughter). For I am certain from my knowledge of him for the last twenty or twenty-five years, because we have been class-mates even from our boyhood, that his heart and mine are one. It is not his real mind that is responsible for his speech but the unfortunate position that he occupies to-day as the nominated member (hear, hear) that is responsible for making a speech which is not his own. Further the very fact that a brother Member who is sitting along with him and who belongs to his own community and who has spoken previous to him and who has spoken in the most clear language shows that his heart is on this side of this House whereas his allegiance is to the party to which he belongs or to the Government to whom he owes his nomination and hence he is responsible to them for his vote, which he may be compelled to give. He has already shown to us that as an Adi-Dravida he is absolutely with us on this subject.

"Sir, the policy of the Government has been referred to by the previous speakers with regard to prohibition and it has been condemned in most unmistakable language possible. It cannot be condemned any more strongly. If the Government wish to uplift the people of the country, if the Government want to be a benevolent one and if it does not wish to be false to the country then it ought to keep in mind always the material and moral upliftment of the people. But I do not for a moment question the policy of a foreign Government, as its policy can never be conducive to the material and moral upliftment of the people of the country. It is therefore in consonance with the policy that they have been following, this most wretched and most wicked policy that such a large amount of revenue is got at the cost of the poor people.

[Mr. Abdul Hamid Khan]

[15th March 1928]

“Sir, the hon. Member from Pudukkottah is always ready to come forward asking us to support the Government in season and out of season. I can understand his supporting the Government when the question is one of retention of the administration of the country which he loves so much, but I can never understand how any Indian who loves his people can come forward and say that we should support the liquor policy of the Government and should vote against and speak against the policy of prohibition. He did not believe that it was a moral question. He did not think that there was any ethics behind it. Mr. President, if we realize that by allowing the Government to carry on such a policy for years and years to come what infinite harm it will work on the people and if we realize also how it is already responsible for the economic deterioration of the people, then we would realize that this policy is not a safe and sound financial policy. We know that poverty increases in the country day by day very largely on account of this drink evil that is perpetuated by the Government. The poor labourer who earns a pittance every day by toiling from dawn to dark spends a major portion of his earning on drink. If he is kept out of the temptation by abolishing the toddy and liquor shops he will spend it usefully on his hungry family.

12-30 p.m. I have known cases of poor labourers earning not more than eight or ten annas a day and giving their family only three or four annas. If this is the condition of the poor labourer is it not the duty of the Government to come to his help? On the other hand, Government does not see any advantage in freeing the labourer from this temptation of drink. My hon. Friend Mr. Siva Itaj said that the poor labourers resort to drink as a solace from the hard labour that they do during the day. But why does he go to the toddy shop? Because it is kept open for him and it is located specially in places to which he resorts.”

Mr. N. SIVA RAJ :—“Coffee hotels.”

Mr. ABDUL HAMID KHAN :—“Coffee hotels are quite as bad as toddy shops. (Cries of ‘No, no.’) It is deplorable to see the way in which these toddy shops are located in the City. The Excise Licensing Board is supposed to have control over these shops; but we know what a farce it is. The representatives of the Madras Corporation on the Board have resigned as a protest and one of the illustrious examples of such a resignation was that of the hon. the Home Member himself. I am sure that as a Member of the Government he will prosecute the same policy and not be a party to in any way perpetuating the evil of drink.

“Mr. President, one argument against the adoption of prohibition immediately is that we would not be able to find the revenue of five crores that will be abolished by adopting that policy. This no doubt is a specious argument. For it is only when the Government makes up its mind to put an end to this evil that it can think of ways and means to find revenue to make up the loss either by new taxation or retrenchment of unnecessary expenditure. If Government adopts the policy of total prohibition in five or ten years, I am sure it will bring additional revenue from other sources besides reducing expenditure on various other departments of Government, such as the Police and Military. If the Government which is responsible for the administration of this Province is not able to find out ways and means to cover up the loss of revenue, it does not deserve our support. Mr. President, we all know that ever since the inauguration of the Reforms, the expenditure has risen up by five crores. This amount is equal to our drink revenue. If we had not

15th March 1928] [Mr. Abdul Hamid Khan]

increased our expenditure I am sure we could have easily foregone this revenue. I do not say for a moment that the revenue should be foregone all at once. But if the Government realizes the moral turpitude that is involved in this evil they can certainly chalk out a programme of gradual eradication of it in such a way that the revenue will not be affected suddenly. Therefore I hope that no member in this House, even the Adi-Dravida Members and the nominated Members, will go against their conscience and vote against this motion, which is intended to put an end to the drink evil so that we can uplift our countrymen from their poverty and moral degradation."

* Rao Bahadur B. MUNISWAMI NAYUDU :—“Mr. President, Sir, speaking on this motion I must own to a certain feeling of unreality in the debate. This motion is intended to express the dissatisfaction of the House at the attitude of the Government towards the excise policy. This motion would have its significance if my hon. Friend, Mr. Arogyaswami Mudaliyar, had been in his place to explain his policy. Unfortunately, Sir, he has gone out of his own accord and is no longer a Minister. If we pass the vote of censure it will be a vote against the Minister who is no longer in office. I do not know whether there is any point in censuring a Minister who is no longer in office. During the last budget debate the Leader of the Opposition tabled a similar reduction motion under this grant and pointed out that it was more a vote against the previous Justice Ministry for its excise policy than against the then Independent Ministry. If that is also the understanding to-day, I give my vote in favour of the motion to reduce the demand.

“Sir, there is one other thing. We were treated to a curious statement that there was nothing like collective responsibility at all among the Ministers and that each Minister was independent of the other as regards his policy. The Leader of the Opposition also tabled a motion of no-confidence in a single Minister while all the three were there. Under the circumstances, since the Minister who was responsible for this policy is not now there, I think there is a touch of unreality in the motion that is put before the House. (A voice : No.)

“Sir, it was expected that when the financial condition of the province improved, at least by the reduction of the iniquitous impost, better times will come. During the debate on the motion against the policy of the Justice Ministry we maintained that we had done all we could with the finances at our disposal and that there were many difficulties in the way. But the mover of the motion maintained that it was not the case. Let me quote one passage from the speech of my hon. Friend Mr. Satyamurti :

‘Then, Sir, so far as the statement of policy of the hon. the Minister for Excise is concerned, I recognize that it marks some advance on the barrenness of the policy of Sir Patro. Prohibition is not kept out, as it was, in this Government Order, the parting gift of Sir Patro of the Madras Government. The present Ministry accepts prohibition. They accept progressive and definite stages should be taken in that direction. But I want to tell my hon. Friend the Excise Minister that on this side of the House there is a very keen, very earnest and very sincere feeling that we must get total prohibition as early as possible. I recognize the practical difficulties in the way, viz., the difficulty of finding alternative sources of revenue, the difficulty of having adequate detective staff to prevent illicit manufacture and sale, and also time for the interests concerned to adjust themselves. I said this when Sir Patro was Minister for Excise ; I am not saying it only to-day. Therefore I am willing to recognize the difficulties.’

“Therefore with regard to the administration of this department, the hon. Member realised the difficulties. We said that much could not be done and to promise much was to court disappointment. The Ministers promised much and after a year of trial the Swaraj party is not satisfied with the results. For

[Mr. B. Muniswami Nayudu] [15th March 1928]

myself, Sir, speaking with responsibility and a certain amount of feeling in the matter, I say it was possible for the Minister to have taken a step in the direction of ultimate prohibition in twenty years or twenty stages as Mr. Davis himself put it. In that case it would have meant an extinction of revenue of about 25 lakhs of rupees annually. But in the budget presented to us now which was prepared while the Ministers were in office, we do not find any provision made for carrying out the scheme. I also ask what the Finance Committee in which the Swarajists are so well represented, did in order to find out the ways and means to cover the loss of revenue. I ask what action they have taken, what proposals they have put forward to meet the difficulties in the way of adopting the policy.

12-45 p.m. "If they were not put before them it is not our fault. It is the fault of those who were the Members of the Finance Committee and who are still its Members. (A voice: 'It is the fault of the system.') If it is the fault of the system it existed even when the Justice Ministry was functioning, and why did you find fault with that Ministry. Sir, I ask and hope that the late Minister for Excise would stand up at least now and say what prevented him from fulfilling the promise which his party and he gave. I hope he will be able to give a satisfactory account. Then I shall reconsider my position. Until then, to the proposition that is placed before the House I give my vote."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Mr. President, Sir, I thought that any long discussion in this matter would be unnecessary for several reasons. The gentleman who was responsible for the policy till two days ago is now in the back benches and I hope he will explain the circumstances under which he was not able to respond to the call made by the hon. Member Mr. Muniswami Nayudu. We do not expect much from the vote which I hope will be given in favour of the proposition. The hon. Minister who represented or pretended to represent the department yesterday is not there to-day and the gentleman who is there to-day will not be here to-morrow or the day after to-morrow. Therefore all that the Minister may say is only a repetition of what the Revenue Secretary may say to him.

"The discussion to-day is very important on account of the revelations made by one of the hon. Members on the other side. I hope the Associated Press will take note of it and flash out the information throughout the whole country because they are supposed to give out true facts and not the Free Press. He explained the various difficulties caused by the department and showed how the rules were being tampered with and not followed. He stated how the rules about the hours of sale were broken. He stated also how the great community which he represents was suffering very much under the system. At last he said that 'although my heart and my conscience'—I am paraphrasing what he said—'are with you, for several reasons my vote unfortunately will be with the Government'. What more is necessary for the Government to see that every vote given by such nominated Members in their favour means two for the other side. The hon. Member, Mr. Dorai Raja, coming from a small State, said that that State also was suffering under similar circumstances. He began by saying 'my fullest sympathy is with the mover of the proposition'. He went on to assert that the ryots of this province were suffering a good deal on account of this drink question. At last he said that his vote would be against the cut. Is anything more necessary to show that the vote of some hon. Members of this House do not

15th March 1928] [Mr. C. V. Venkataramana Ayyangar]

represent either their own conscience or the wishes of the community they represent? The speech of the hon. Member, Mr. Siva Raj, was only from the lips ; there was a struggle between his heart and his lips. He said 'it is very bad for our community itself'. At the end of his speech he said that he wanted more money for some other reform for his community and that therefore he opposed the motion. His idea is that his community will be able to get more benefits if more money is available for being used for those purposes. But we know that a major portion of the income from the drink evil, viz., five crores of rupees, comes out of that unfortunate community. Yet he says that the system should continue because he expects the Government to spend some money for the improvement of his community. Therefore he said 'I am going to give my vote against the cut'. As I said, this discussion has at least shown to the world what weight is to be given to the votes of some nominated Members. I hope that the Commission in Lahore will look into this matter and understand exactly what weight should be attached to the show of the depressed classes saying that they are in favour of the Simon Commission.

"Coming to the question in issue, I do not think that there can be any defence by anybody so far as the Government policy is concerned. The hon. Member Mr. Muniswami Nayudu has evidently made a mistake by reading the word 'Minister' in this motion instead of 'the Government'. There are a number of other motions specifically stating want of confidence in the Minister. This particular motion says that we have no confidence in the policy of the Government. Sir Patro was Minister some time back ; Diwan Bahadur Arogyaswami Mudaliyar was Minister till two days back ; Dr. Subbarayan is the Minister now. To-morrow anybody may be Minister in charge of the department. But the Government, as a Government, is against any reform. As Ministers who were against the Simon Commission were asked to go away, any Minister who says anything against the present Government policy will be asked to go away. Therefore we are attacking now the policy of the Government. The policy of the bureaucracy is enunciated by the Member of the Revenue Board who is the head of the department and who is, as a whole, in favour of this drink evil. We were asked last year as to what should be done if there was a reduction of 50 lakhs from this source. What do the figures show? The revised estimate on the budget of 1927-28 shows that there has been an addition of Rs. 21 lakhs in income over the original budget estimate. Every year the revised estimate figure increases over the budget figure. If the figure is 10 lakhs in one year, in the next year it is 15 lakhs. At the end of that year it actually is 25 lakhs. Though there was an addition of 21 lakhs of rupees the Government were not satisfied. They have added 4 lakhs of rupees more in the budget for 1928-29. That is the way in which the reform by way of prohibition or by way of reduction of the drink evil is given effect to. That is the way in which the income of the Government goes on increasing. Will the present Minister or the ex-Ministers, or the Secretary of the Revenue Department or the hon. Mr. Campbell who was in charge of this department as Excise Commissioner for a long time rise up and say whether they have done anything to reform the department except increasing taxation? Will any of them say whether the rules have been followed? There is a toddy shop close to the Coimbatore Mills in which 5,000 hands are employed. Myself and one of my European friends went by that side and we saw a lot of people coming out of that shop near the mills early on a morning.

[Mr. C. V. Venkataramana Ayyangar] [15th March 1928]

“ There is another question to which I have repeatedly called attention in this House, viz., the number of toddy or arrack shops by the side of the public roads or near *shandies*. I asked the Collector of my district whether he could give the number of such shops. His reply was that the number was so great that he could not give the number. Every toddy and arrack shop that belongs to a village near the road is located openly with the permission of the Excise Commissioner on the road itself. For every water-shed that existed on the roadside, there is now about half a dozen of toddy shops. In a village, Vallalur, which is four miles from Coimbatore, there are toddy and arrack shops located close to the *shandy*. Such examples need not be repeated. I only wish to point out how the rules are disobeyed in every respect. Therefore unless there is a change in the conscience of the Government, whose policy we are attacking, there is absolutely no use in having an Excise Minister. By way of commanding this proposition may I appeal to the ex-Minister or the present Minister or any other Cabinet Member to take us into their confidence and explain what the hon. Minister Diwan Bahadur Arogyaswami Mudaliyar meant when he stated at the time of the general discussion of the budgets that he had prepared various schemes, that they had been placed before the Government and that the Government were expecting to pass final orders on them. May we have the satisfaction of knowing what elaborate schemes have been propounded by him, whether those schemes have been considered by the Government or whether they have already been thrown into the gilded waste-paper basket of His Excellency and his Council? I would be very glad if the ex-Minister who is not under the shackles of his office—unless he is bound by the nature of confidence in the matter—would say what those schemes are. May I appeal to the present Members of the Cabinet to let us know the fate of those schemes? Some information on that point may make this discussion a little more useful than it would otherwise be.

“ Whatever may be the reasons of some of my hon. Friends who are nominated members on the Ministerial side, I appeal to them to be at least neutral and not to vote against this motion. I know their difficulties. The hon. Member, Mr. Muniswami Pillai, has made the matter clear. We cannot blame him if he is compelled for any reason to vote against us. But I appeal to him and others like him to be at least neutral to satisfy their conscience.

“ As regards the remarks of the hon. Member, Mr. Muniswami Nayudu, I say that we want the votes of his party. We want to show to the Government that, so far as this Council is concerned, we are against the policy of the Government as it has been acted upon from year to year, from decade to decade and from century to century. With these few words I strongly support the motion. I appeal to hon. Members to carry this motion unanimously so far as non-official Members at least are concerned.”

* Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, in view of the speech made by my hon. Friend, Mr. Muniswami Nayudu, it is unnecessary for me to go into the details of the discussion. The proposition before the House is to record the disapproval of the excise policy of the Government. In discussing this matter last year my hon. Friend, Mr. Muniswami Nayudu, stated that the Ministry then in existence was a Swaraj Ministry or semi-Swaraj Ministry.

15th March 1928]

[Sir A. P. Patro]

"This was not challenged at the time. That has since been supported 1 p.m. by the esteemed ex-President of the Indian National Congress. He said that the Ministry has been brought into existence and supported or tolerated by the vote, nay, by the positive support of the Congress Party. In addition to this clear statement of the ex-President of the Indian National Congress, we have also the statement of the hon. Member representing the registered graduates of the University in unmistakable terms that they (the Swarajists) were receiving any amount of odium and condemnation because they had been supporting the Ministry. Therefore, I say, it is not the policy of the Government that is now under discussion but it is the policy of the Swarajya Party who have brought the Ministry into existence and allowed them to continue, till the other day. It is the policy of that Swarajya Party, the Congress Party, their active support or neutral vote, that is responsible for all the acts and deeds of the Ministers. Sir, if this is the policy which we are now discussing, I would ask hon. Members in all seriousness to say whether there is any reality in the motion that has been made. Sir, in criticising me last year, the hon. Member representing the University in a vehement speech which is characteristic of him asked: 'What has that gentleman who has his seat below the gangway done all these six years about prohibition?' Sir, I am not capable of being vehement or theatrical like him, but I can afford to be more reasonable and just. In February 1926, when the question of this excise policy was discussed before this House, this House passed a resolution saying that prohibition should be worked up to gradually in the course of years and that the Finance Committee should find ways and means for carrying out that policy. The Finance Committee during the last two years consisted of the majority of the elected Members of the majority party, namely, the Congress Party. It was open to them to investigate and exploit the sources available for the purpose of bringing prohibition nearer. It was their duty, their right and privilege to work out a scheme in order that prohibition might be made practicable. As businessmen we have to face the realities of the situation. What was the policy that was accepted by the Congress Party when the hon. Mr. Arogyaswami Mudaliyar last year read a type-written page expressing this policy—the paragraph was evidently inspired by the Congress Party—and when they supported him or did not vote against him? Again what was it that the Congress Party did when the no-confidence motion was discussed? The hon. Member representing the University said that they (the Ministers) were honest folk attempting to carry on excise reform and temperance. Therefore it is not the policy of the Government we are now discussing but the policy of those who supported the Ministry—that is the policy of the Swarajists that we are now discussing. Here is the policy that was enunciated by the hon. Member in charge of Excise in March last year. Mr. Arogyaswami Mudaliyar then stated, perhaps with the consent or in consultation with the Members of the Congress Party, that 'prohibition will be the goal of our excise policy. The idea of a dry Presidency will be accepted and worked up to. For the future, our policy will be further reduction of shops and consumption by extension of the prohibition areas by such increase of duty on spirits and of tree-tax as is found suitable, by the reduction of the limits of private possession wherever necessary, and other methods as may be found suitable.' This was the policy that was enunciated before this House and this was the policy that was accepted by the majority party. If this is the policy, I ask, is it honest that we should speak of prohibition within a fixed period of 20 or 10 years? Sir, the hon. Member representing

[Sir A. P. Patro]

[15th March 1928]

the University then said : 'I like Swaraj. I like prohibition. But, I like one thing more than Swaraj and prohibition and that is honesty in public life.' Sir, I emphasise honesty in public life. We are discussing this question as businessmen representing the real interests of the country, the people, the agriculturists to know what is capable of being done in the matter of temperance reform. This question we are to consider not as theorists but as practical men to assist the agriculturist and the labourer. The hon. Member for the University said that I had no policy or programme when I was in power and wound up merely saying that we then talked of prohibition and wanted to play the dirty game of defeating the Ministry just because the Ministers or a particular person was against the party and the motion was brought to send them away. I am surprised at the change he referred to in his speech."

* The hon. the PRESIDENT :—“ I would request the hon. Member to bring his remarks to a close as the Minister and the ex-Minister Mr. Arogyaswami Mudaliyar will have to be given an opportunity for replying.”

* Rao Bahadur Sir A. P. PATRO :—“ Sir, it is said that the subject of prohibition is not kept out. In his previous speech relating to the previous Ministry the hon. Member for the University said that prohibition was not kept out and therefore he would accept the policy. He urged that progressive and definite steps should be taken in that direction. What are the steps and stages laid down in that speech of the hon. the Minister for Excise ? He said that he would reduce tree-tax and also shops. This is the whole policy of progressive stages. There must be some limit to public speeches, that is, honesty in public life. I say there is no reality in the discussion now before the House. This is done more by way of theatrical demonstration and not in sincerity and for the benefit of the public. The policy that we are criticising is the policy of the Swarajists, and the motion is not based on real political principles.”

* The hon. Dr. P. SUBBARAYAN :—“ Sir, I think it was Mr. Venkataramana Ayyangar who said that I would probably read a speech prepared by the Secretary in the Excise Department. It may be that I have got to go to the Secretary of the Revenue Department. Sir, the administration of Government will be impossible unless you have Secretaries who will remain there whether Ministers come or Ministers go. I think that hon. Members behind me and opposite to me will agree that they are a necessity in all administrations.

“ Sir, I will content myself with briefly referring to the salient points concerning the excise policy of the Government of Madras. The general excise policy of the Government has been 'to minimise temptation to those who do not drink and to discourage excess among those who do and to the furtherance of this policy all considerations of revenue must be absolutely subordinated.' The more important of the steps generally taken to give effect to this policy have been the reduction of the strength at which liquor might be sold, reduction of the number of shops, reduction of limit of private possession, raising of duties so that liquor might become more costly to the consumer and restrictions in connexion with the hours between which shops could be kept open. In 1921 with reference to a resolution passed by the Legislative Council, an Excise Advisory Committee of Members of the Legislative Council was appointed to investigate and suggest means of improving

15th March 1928]

[Dr. P. Subbarayan]

the excise administration in the Presidency. After a detailed investigation and consideration of the several schemes tried in various areas from time to time for the promotion of temperance, e.g., local option, rationing, surcharge system, etc., the Committee did not recommend any departure from the existing policy of the Government. The Committee made proposals for the formation of Excise Licensing Boards with non-official majorities in municipalities with a population of above 50,000 and in Madras and Excise Advisory Committees with non-official majorities for rural areas including the smaller municipalities. These proposals were accepted by the Government. New licensing boards in accordance with these proposals have been formed in Madras and in all the fifteen municipalities in the Presidency which have a population of over 50,000 and Excise Advisory Committees in most revenue divisional areas. On 16th March 1927 in the course of the discussion on the voting of the Excise grant for the year 1927-28, the late Excise Minister made the following declaration of policy:

'Prohibition will be the goal of our excise policy. The idea of a dry Presidency will be accepted and worked up to. For the future, our policy will be the further reduction of shops and consumption by extension of the prohibition areas, by such increase of duty on spirits and of tree-tax as is found suitable, by the reduction of the limits of private possession wherever necessary and by such other methods as may be found suitable.'

"It was not until the late Excise Minister formulated his personal proposals for the adoption of a policy of total prohibition throughout the Presidency that the full constitutional implications of such a policy were examined in detail. As a result of this examination, it has now become a question whether the subject of total prohibition is a matter which should be dealt with by a Minister at all. The Transferred subject of 'Excise' is defined in the Devolution Rules at page 142 of the Madras Legislative Council Manual, 1926, Volume I, as 'The control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding in the case of opium control of cultivation, manufacture and sale for export.' It is to be noted that the administration of the Madras Abkari Act is not specifically included in the definition of the transferred subject 'Excise'.

"In so far as this Act embodies clauses constituting offences and procedure 1-15 for the detection and investigation of those offences the Act pertains to the P.m. Reserved Central subject 'Criminal Law including Criminal Procedure' and pertains to the Transferred subject 'Excise' only in so far as the punishment and the procedure prescribed by it are necessary for the proper administration of that subject as defined in the Devolution Rules. (A voice: 'Who speaks? Excise Minister or the Law Member?') To introduce a policy of total prohibition all that is necessary is the addition to the substantive Criminal Law of India of an Act comprising a single penal clause to the effect that whoever imports, exports, transports, manufactures, sells, procures or possesses liquor containing more than a certain percentage of alcohol or intoxicating drug containing more than a certain percentage of specified intoxicants shall on conviction before a magistrate be punished in some specified manner. Such an addition to the Criminal Law of the land is not in any way necessary for the administration of any portion of the Transferred subject 'Excise' as defined in the Devolution Rules. It is in fact the negation of all excise as therein defined. Total prohibition would therefore appear to be not only a

[Dr. P. Subbarayan]

[15th March 1928]

Reserved subject but also a Central subject. (Voices: 'Hear, hear. Very late discovery.') Similarly, the procedure necessary for the enforcement of the policy would be criminal procedure pure and simple and therefore likewise a Reserved Central subject. Whether the position set out above is or is not exactly correct has to be examined and until such examination is completed and decision arrived at it is inexpedient for any Minister to commit himself at present to any promise that he will take any particular step to give effect to any resolution of the Legislative Council on the subject of total prohibition. It seems that the utmost that he can say whether the question of total prohibition is one primarily if not entirely for consideration by the Governor in Council or Governor acting with his Ministers has to be examined though a policy of temperance as distinguished from total prohibition is a subject to be dealt with primarily by the Governor acting with his Ministers."

Diwan Bahadur R. N. Arogyaswami Mudaliyar rose to speak.

* The hon. the PRESIDENT :—“ I will suggest to the hon. Member to bring his speech to a close as early as possible so that Mr. Satyamurti may have a chance to explain himself before the guillotine is applied at 1-30.”

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—“ When I came this morning here, I did not intend taking part in this debate. Since coming here I have received many surprises and I feel that a word of explanation from me is necessary. In this debate unfortunately personalities have been brought in. My name has been frequently mentioned by Members from all sections of the House. So far as my policy is concerned, Sir, it was not very long ago that I made a repetition of what I said last year during the budget concerning my policy on prohibition. After the pronouncement I made on the floor of this House during the budget of last year, that policy was accepted by my hon. Colleagues then and by the Government. Recently during the budget discussion I made a statement and I repeat the same again. But to-day I find the present Minister in charge of Excise has completely reversed my policy. (Hear, hear.). For that reason I feel bound to offer to this House a word of explanation. The policy that I followed unflinchingly during the months I was in charge of the Excise department was, as has been read out by my hon. Friend Sir Patro, viz., to accept total prohibition as the goal of excise policy, and to secure this object it was the intention of Government as it was then constituted to extend the prohibition areas, to increase the duty on arrack, to increase the tree-tax, to limit the extent of private possession and to adopt other excise measures. Leaving minor matters altogether I may say I have already given effect to my promise in this matter. The duty on arrack has been increased in several districts, the tree-tax has been put up in several districts, the limits of private possession have been reduced as steps towards the goal of prohibition. The hon. Minister just read out, from the Government of India Act I suppose, the words in which the transfer of excise is indicated. It is somewhat as follows : control, manufacture, possession, sale, transport, etc., of liquor and intoxicants. Control means that the Minister has got powers transferred of reducing manufacture, of reducing possession, of reducing transport, etc., and it is impossible to lay a limit on such control. Can he reduce by 70 per cent? Can he reduce by 99-99 per cent? Would that be control, Sir? Then, why not the '0001 per cent? It seems to me that apart from the quibbling, and apart from the fact that it is a subject in which the

15th March 1928] [Mr. R. N. Arogyaswami Mudaliyar]

Reserved side has a voice, it cannot be argued that control must stop short of prohibition. I think it is not necessary to refer to the various other matters of detail referred to by hon. Members in this House or to the questions of personality generally raised. The question is one for all parties and it is certainly not a party question. So far as I am concerned, I have scrupulously stuck myself to the policy set forth in the House so long as I was a Minister. Apparently my policy has been reversed; and it is for the hon. Minister and the present Government to explain why and how the change has taken place."

* Mr. S. SATYAMURTI :—“Mr. President, Sir, I first of all want to point out very respectfully to my hon. Friend, Sir Patro, the wrong spirit in which he quoted me. I then said these words, ‘But we are not satisfied with that. We agree that there ought to be a time-limit, because only then will the marches be regular.’ I had intended, Sir, to answer him in his own way, but the bomb-shell thrown on this House by my hon. Friend the Sole Minister has lifted the controversy out of all the ordinary amenities of debate. My hon. Friend has now laid down a position which transcends all parties and which merely challenges the House to enforce even moderate prohibition. This particular statement which he has made makes one pause, even under the farce of diarchy. He has put forward a statement which no Minister, not even Sir Patro, dared to lay down when he dealt with this question of total prohibition. My hon. Friend, the Sole Minister, says that this is not a Transferred subject, except for the purpose of carrying on the policy of unlimited sales. (At this stage the hon. Dr. P. Subbarayan rose to interrupt.) I have no time and I cannot yield to explanations. I therefore want to appeal to Sir Patro. I acknowledge that he never raised this fallacious plea of the Devolution Rules. The Government of India Act has transferred this subject and, in relation to Transferred subjects, Government is bound by Parliamentary statutes to accept the advice of the Minister. What is all this tom-foolery of our Friend the Sole Minister getting up and saying that he is administering excise, that he can poison the people, make them drink, but cannot reduce drink. It is an insult to the self-respect of the House. Even the Justice Party in its own way sought to introduce temperance reform, and ultimately accepted prohibition as its goal within 20 years. They did not put forward this as an excuse at all. The party of which my hon. Friend the Minister claims to be the chief put forward this policy last year and he now solemnly tells us as a great Doctor of Civil Law of the University of Oxford that he made himself responsible for the position that they accepted prohibition without examining the constitutional implications of the position. A Minister who makes that statement does not deserve to be a Minister at all. It is not fair to himself or to the party, much less as a future possible Law Member, or to His Excellency the Governor. The constitutional Minister who sat still over this policy for 12 months with the consent of the Governor now gets up and says: ‘I have now examined and find that it cannot be agreed to. I do not want to go into the merits of the question.’ I think we are all agreed on this matter. I ask all the sections of the House to tell this sole autoocrat who is selling the soul of the Transferred subjects such as it is that he ought not to have done that. It is for the House to let him clear out. If he will not, let us send him out. Let him learn something of the A B C of the constitution before he tries to insult the whole House by laying down a position which Secretaries have laid down for him.”

[15th March 1928]

The motion was put and declared lost.

A poll was demanded and the House divided thus :

Ayes.

1. Mr. Sami Venkatachalam Chetti.	18. Mr. C. Ramasomayajulu.
2. " S. Satyamurti.	19. Basheer Ahmad Sayeed Sahib Bahadur.
3. " C. V. Venkataramana Ayyangar.	20. Mr. P. Bhaktavatsulu Nayudu.
4. " T. Adinarayana Chettiyar.	21. Sriman Biswanath Das Mahasayy.
5. " P. Anjneyalu.	22. Mr. A. Kaleswara Rao.
6. " J. A. Saldana.	23. " R. Srinivasa Ayyangar.
7. " C. S. Govindaraja Mudaliyar.	24. " K. Koti Reddi.
8. " G. Harisarvottama Rao.	25. " L. K. Tulasiram.
9. " C. N. Muthuranga Mudaliyar.	26. " K. R. Karant.
10. Abdul Hamid Khan Sahib Bahadur.	27. " K. Madhavan Nayar.
11. Mr. K. V. E. Swami.	28. " C. Venkatarangam Nayudu.
12. " K. P. V. S. Muhammad Meera Ravuttar.	29. " P. Siva Rao.
13. " D. Narayana Raju.	30. " M. A. Manikkavelu Nayakar.
14. " Dr. B. S. Mallayya.	31. Rao Bahadur C. S. Ratnasabapathy Mudaliyar.
15. Mr. C. Maruthyanam Pillai.	32. " B. Muniswami Nayudu.
16. " Narayana Rao, Mothay.	33. " K. Sitarama Reddi.
17. " A. Parasurama Rao Pantulu.	

Noes.

1. The hon. Sir Norman Marjoribanks.	23. Mr. V. I. Muniswami Pillai.
2. " Khan Bahadur Muhammad Usman Sahib Bahadur.	24. " W. P. A. Soundarapandia Nadar.
3. " Mr. T. E. Moir.	25. " S. Subramania Moopanar.
4. " Mr. A. Y. G. Campbell.	26. " D. Thomas.
5. " Dr. P. Subbarayan.	27. " S. V. Vanavudaya Goundar.
6. Rao Bahadur C. V. Anantakrishna Ayyar.	28. " K. Krishnan.
7. Mr. F. B. Evans.	29. Sir James Simpson.
8. " H. A. Watson.	30. Mr. Kenneth Kay.
9. " G. T. Boag.	31. " W. O. Wright.
10. " A. Me G. C. Tampoe.	32. " C. R. T. Congreve.
11. " S. H. Slater.	33. " A. T. Luker.
12. " C. B. Cotterell.	34. Rajkumar S. N. Dorai Raja.
13. " P. J. Gnanavaram Pillai.	35. Mr. S. Arpudaswami Udayar.
14. " A. B. Shetty.	36. " K. Ramachandra Padayachi.
15. " J. Bheemayya.	37. " G. R. Premiyya.
16. " J. A. Davis.	38. Swami A. S. Sahajanandam.
17. Subadar-Major S. A. Nanjappa Bahadur.	39. Rao Sahib P. Srinivasan.
18. Mr. Al. Ar. Narayanan Chettiyar.	40. Syed Tajuddin Sahib Bahadur.
19. " T. M. Narayanaswami Pillai.	41. The Raji of Ramud.
20. " N. Siva Raj.	42. The Raji of Panagal.
21. " M. V. Gangadhara Siva.	43. Rao Bahadur Sir A. P. Patro.
22. Rao Sahib L. C. Guruswami.	44. Mr. P. T. Rajin.
	45. Diwan Bahadur A. M. M. Murugappa Chettiyar.

Neutral.

1. Dr. (Mrs.) S. Muthulakshmi Reddi.	11. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
2. Diwan Bahadur P. Kesava Pillai.	12. Mr. S. Muthiah Mudaliyar.
3. The Zamindar of Seithur.	13. Diwan Bahadur M. Krishnan Nayar.
4. Mr. R. Nagan Gowda.	14. Mr. T. K. Chidambaranatha Mudaliyar.
5. " Rammath Goenka.	15. Rao Bahadur S. Ellappa Chettiyar.
6. " T. C. Srinivasa Ayyangar.	16. Khan Bahadur S. K. Abdul Razek Sahib Bahadur.
7. " Chavadi K. Subramania Pillai.	17. T. M. Moidoo Sahib Bahadur.
8. " K. R. Venkatarana Ayyar.	18. The Zamindar of Mirzapuram.
9. The Zamindar of Gollapalli.	
10. Mr. A. Ranganatha Mudaliyar.	

Ayes 33 ; *Noes* 45 ; and *Neutral* 18. The motion was lost.

Demand II—Excise—for Rs. 37.71 lakhs was then put and carried and the grant made.

The House then rose for lunch.

15th March 1928]

After Lunch (2-30 p.m.).

DEMAND III—STAMPS.

The hon. Mr. A. Y. G. CAMPBELL :—“Sir, on the recommendation of His Excellency the Governor, I beg to move

‘that the Government be granted a sum not exceeding Rs. 5·71 lakhs under the head “Stamps”’

* Mr. S. SATYAMURTI :—“I move to reduce the allotment of Rs. 2,37,300 for stamps by Rs. 100, to censure the Government for not giving effect to the repeated undertakings to reduce court and stamp fees.

“Sir, to give any argument in favour of this proposition will be but flogging a dead horse. I think, Sir, when the Stamp Act was first amended, I believe, shortly after the introduction of the first Reformed Legislative Council, the Government gave an undertaking that the rise was only temporary to meet the unforeseen budget deficits, and that as soon as the finances of the Province improved they would take steps to reduce the raised stamp fees. I think that on that understanding the Justice party, then the predominant party in the Council, agreed to this Act being so amended, and I believe it was so specifically said in the speeches of their leaders. Ever since, year after year, we have been trying to press upon the Government the need for reducing the stamp duties, and to-day is particularly auspicious, because the provincial contribution of nearly three and half crores has been permanently wiped out; and it is up to the Government therefore to make their distribution of this three and half crores in such a manner as first to relieve the burden of extra taxation on the tax-payer. As has been said by all writers on Public Finance, the first charge on any anticipated revenue surpluses should be the reduction of taxation, especially as it has been raised in this case for a specific purpose for a temporary period. But I see no prospect of any stamp fees being reduced. So, in order to press upon the Government the duty of their readjusting the stamp duties and giving the much needed relief to the tax-payer, I press this motion; and since it does not involve a ministerial crisis or a distribution of appointments, I hope all sections of the House will vote for this cut.”

Mr. P. ANJANEYULU :—“I formally second it.”

* Sriman BISWANATH DAS Mahasayo :—“I beg to support the motion, for which I have also given notice, and moved by my hon. Friend the Deputy Leader of the Swarajist party. Sir, we have been from 1924, a year after its imposition of this fee, requesting the Government to bring it back to the old level. In 1925 we had a full dress debate on this question.”

(At this stage Mr. Venkataramana Ayyangar entered the hall by the left side of the President and took his seat. Thereon the hon. the President said: “I think it is desirable that members should not cross between the speaker and the President.” and Mr. Venkataramana Ayyangar apologised to the President.)

* Sriman BISWANATH DAS Mahasayo :—“In replying to the debate, the hon. Sir C. P. Ramaswami Ayyar made the following remarks: ‘Reduction as I have said is necessary from the utilitarian and financial point of view, and I consider that the restoration of the old court fees might even lead to the increase of revenues.’ The hon. Mr. Graham, then Finance Member to the Government of Madras, also made the following speech: ‘After the remission

[Sriman Biswanath Das Mahasayo] [15th March 1928]

of the provincial contributions, the suggestion that a portion of that should be expended on the introduction of some measure of prohibition or reduction of court fees and stamp duties will be considered.' And these statements were repeated by the members on the Treasury Bench year after year without any reserve. In August last 1927, a number of supplementary grants were brought by Government. The whole question was referred to the Finance Committee and the report of the Committee was submitted wherein the Committee said (at page 7 of the Report): 'It considers that the Government programme of remunerative measures will be continued but at the same time it is of opinion that it is necessary to investigate how far the increase of stamp duties imposed in 1922 may be reduced, and how soon effect may be given to any reduction that may be made. The Committee proposes to start investigation at once.'

"Sir, now eight or nine months have elapsed and no sign of any reduction has been seen. Then, Sir, the Taxation Committee, at page 162 of their Report, make certain suggestions: 'A sort of relief may be given to the litigant public in the shape of instalments'. That is, the litigant public may pay a portion of the fees just on filing a suit and another just about the time of hearing or settling of issues. That is also an important question to be considered by the Government. Looking into the financial prosperity of the Government of Madras, we have this year an opening balance of about two crores. Looking into the Budget memorandum presented by the hon. the Finance Secretary, we see that except for four years from 1900, we have never had such prosperous years. It is therefore futile to say that there is no money. The Government cannot now put forward that plea. Now, as has been remarked by my hon. Friend, the Member for the University, we have remission of provincial contribution, and I think the Government are bound to bring down these fees to the level that obtained in 1922 and thus relieve the tax-payers of their burden."

* Mr. K. V. R. SWAMI :—"Mr. President, so far as this matter is concerned, I think the Government committed a breach of faith in not giving the relief they promised at the time this increment was made. It was believed on all hands that since the circumstances changed, as soon as moneys were available these duties would be reduced to their original level. But it has not been done. I do not know why. It is always believed by the people that once a tax is imposed or increased this Government would never abate it again. That has been the impression even among the illiterate. This Government have a record for it for a long time. Now, when the tax itself was imposed, hon. Members of the Justice party consented to this measure on the understanding, as I was told, that relief would be given as soon as circumstances changed. Now, so much money has been released by the Central Government, and so much money has been spent in various ways but the Government persist in keeping on the enhanced duties. Though it was expected that this tax would fetch about Rs. 70 lakhs it was admitted on behalf of the Government that only 35 lakhs were realized on account of the increment. Now it was also admitted that in many suits the increase of fees led to denial of justice.

"With regard to sales of stamps, I am told now that people have begun to misrepresent matters and always give a low figure on account of the high stamp duties demanded. A Registrar friend of mine was telling me the other day that what was purchased for Rs. 600 was sold in six months for Rs. 6,000.

15th March 1928] [Mr. K. V. R. Swami]

The higher the stamp duty, the greater the temptation for people to try to cheat the revenue. They do these things more successfully in America. Our people are learning these tricks just now on account of high duties.

“One thing more. Even the Government, strongly established as it is, should realize, even though they do not care for the opinion of the people, that it is honesty that pays in the long run. When a Government makes a solemn promise that as soon as moneys are available they will reduce the fees and keep them at the old level, and then go back on such promise, they lose the confidence of the Council. Every Government has its good days as well as bad. Supposing there is a pressure for money to-day, if some tax is to be increased, would the House agree to it and vote the money, knowing as they do know the assurances of the Government are not kept. So under these circumstances, it is high time for the Government to fulfil their promise at least now, though it is late, and put back the stamp duty to the level that obtained in 1920-21.”

* Mr. K. MADHAVAN NAYAR :—“Sir, in supporting this motion I want to bring to the attention of this House what the hon. the Home Member said last year when he made the demand for Stamps. It was Khan Bahadur Usman Sahib who made that demand and he then stated regarding the reduction of stamp duties. ‘We are only waiting for an opportunity to reduce them. We have not got from the Government of India orders to the effect that the provincial contribution has been remitted. When the amount has been released the Government will consider the question of reducing the stamp duties.’ I hear the Government benches crying out ‘Considers’. It was always a question of consideration and that consideration never assumed any practical form. That is what we have experienced not only in the case of stamps but in every other matter. When in 1922, the value of court-fee stamps as well as other stamps was increased, it was said that the Government will avail of the earliest possible opportunity to reduce the stamp duties to the former level. In the subsequent years also the promise was repeated by the Government and people naturally thought that the Government was honest in making promises and that they would act up to the promises made, but we have waited for six years and the provincial contribution of over 3 crores has been fully remitted and now you say ‘We shall yet consider.’ ‘When will that “consideration” end?’ is what I humbly ask the Government. I know, Sir, that the answer might be coming from the Government side that it is not possible for them to reduce the taxation so long as we have been demanding the remission of the land revenue, the introduction of prohibition and so forth and that it would not be possible for them to accede to all the demands that the Legislative Council has been making. But may I ask them whether they have, in one single important instance, acted up to the wishes of this Legislative Council? If as a matter of fact they had reduced the excise revenue or the land revenue of this country we would certainly have accepted their professions to be honest and would not have pressed this demand on the Government. As a matter of fact they don’t do anything beneficial to the people and they spend all the money available upon brick and mortar. That is why I say, Sir, this is a case of gross breach of faith and this is a matter in which they ought to feel that they should redeem their plighted word at the earliest opportunity. I therefore appeal to the Government that it is high time, now that the provincial contribution has been completely remitted, that they redeem their plighted word and reduce the high duties on stamps, judicial as well as non-judicial.”

2-45
P.M.

[15th March 1928]

* Diwan Bahadur M. KRISHNAN NAYAR :—“ I support this motion, Sir. As my Friend, Mr. Madhavan Nayar, said, this perpetual consideration of the Government must have an end. They are always shifting and changing their grounds and want to avoid fulfilling their specific and express promise. The first express promise was made in this House at the time of the imposition of the duties in 1922 and the promise was that when the financial pressure was at an end they would remit these duties to their former level. That promise has been practically made year after year for the last five years and as was referred to there was a distinct promise last year by my hon. Friend there, the hon. Khan Bahadur Usman Sahib. He made a distinct promise that when the remission of provincial contribution was made the Government would consider this question. They must redeem their promise which stands unredeemed. Even Governments must act according to their promise (hear, hear) and respect the opinion of the Council which was unanimously expressed.”

* Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, Sir, it is rather unfortunate that, on account of the extraordinary position taken up by the Government in this matter, we on this side of the House should feel impelled to give out motions year after year during the time of the budget. It is again an old story. In the year 1921-22—that is the year of deficit—for the purpose of enabling this Government to tide over the deficit and to afford temporary relief to this Government we assented to the proposal brought forward by Government to enhance the court fees and stamp duties. In 1921-22 the income under this head was 189·85 and in the first year of the enhancement it stood at 219·84, in 1924-25 it was 241·51, in 1925-26 it was 245·08 and in 1926-27 it was 252·30. In 1928-29 provision has been made for 253·26 lakhs. Now the House will be aware of the fact that during the past six years the difference comes to nearly 70 lakhs. We were then told that this increase would be of a temporary character and that when the finances of the country became normal, steps would be taken to have them reduced to the old level. But, however, in 1926 when the second instalment of the contributions was remitted, Mr. Moir on the 6th of March 1926, referring to the various schemes put forward for the utilization of the resources made available by the remission of the contributions and in particular to suggestions that some portion of them should be expended on the introduction of some measure of prohibition or in reduction of court fees and stamp duties, stated : ‘ That of course is a possible policy, but its acceptance would mean not only that all the additional schemes on which the Government propose to spend Rs. 72 lakhs in the coming year should go by the board but also that the existing expenditure should be curtailed.’ I doubt if either side of the House would really endorse the results of that policy. ?

“ But in March 1927 the hon. Muhammad Usman Sahib, the Home Member, said as follows : ‘ What I wish to tell hon. Members of this House is that when we actually get the amount of money released or wiped out of the provincial contribution, Government will consider the question of reducing the stamp duties ’

* The hon. the PRESIDENT :—“ I am afraid the hon. Member is repeating the arguments of Mr. Madhavan Nayar. It does not require a second reading in the Council.”

* Mr. R. SRINIVASA AYYANGAR :—“ It may be said—in fact I heard it said some time ago by my hon. Friend Sir Patro—that we were in a majority in the Finance Committee and did nothing, but that is not a fact. I would only say

15th March 1928] [Mr. R. Srinivasa Ayyangar]

that we were only three there out of nine. If you go through the report of the Finance Committee you will find on page 7, 'that the Committee was of opinion that it was necessary to investigate how far the increased stamp duties might or should be reduced and how soon effect might be given to any reduction which might be found desirable.' But in my dissenting minute I emphasized this point and the Government put off the consideration of this simple question, specially in view of the fact that facts and figures admitting of restoration were not immediately available to be placed before the Finance Committee. The Government would not budge an inch, and notwithstanding the fact that in this year the whole amount of the contribution has been wiped out, there is no use sticking up to the old policy and saying we want money to convert them into buildings and so on and so forth, and it seems to me that the Government have no right to get any profit out of justice and utilize it for any other purpose. I wish only to read to the House what I said in my dissenting minute: 'I fear that further investigation of this question with a view to determine the extent of reduction is unnecessary as there are sufficient materials to justify immediate action being taken. The Government must without further loss of time introduce legislation or issue executive orders restoring the fees and duties to the old level.' Where there is a will there is a way, but in this case the will of the Madras Government manifests itself in a determination to maintain these duties at the present level. If there is any disposition on the part of the Members in charge of these things, I would ask them instead of giving expression to some lip sympathy, to make any direct move or take any direct initiative in the matter. I think it is time that they reconsider their attitude and instead of merely being content with professions of sympathy translate their sympathy into practical action and give us exactly what we want."

* Mr. C. GOPALA MENON:—"I want to bring to the notice of the Government and to the Members of this House the memorandum which was submitted to the Members of this House with regard to the utilization of the remission of the provincial contribution by the Finance Committee. In that memorandum suggestions were made for the reduction of the registration fees, court fees and the judicial and non-judicial stamp fees. There was a recommendation made in the matter and I should like to know why effect was not given for the reduction in the matter of judicial and non-judicial stamps and court-fee stamps. I merely wish to find out from the Government why effect was not given to this suggestion made in the memorandum circulated."

* Mr. L. K. TULASIRAM:—"Mr. President, Sir, taking the Budget ^{3 p.m.} Memorandum for 1928-29, I find a budget estimate of Rs. 148·13 lakhs as revenue from the sale of judicial stamps and copy papers. Taking the cost of administration of justice, it is Rs. 100·20 lakhs and the income from the revenue under administration of justice is Rs. 12·88 lakhs. So there is a profit of Rs. 87·32 lakhs in the administration of civil justice. Taking it off deducting it from Rs. 148·13 lakhs, we have a net saving of about Rs. 60 lakhs. Now, Sir, their own accounts as kept by the Government of Madras clearly prove that the Government make a profit of about Rs. 60 lakhs from the administration of justice. Sir, when we place before you facts and figures, is it not your duty to give us a reason why you insist on having all the profits, even from the administration of justice? There are, Sir, cases where the court fees can be remitted, e.g., in cases which are withdrawn, or settled out of Court, or compromised or suits decided before the framing of issues.

[Mr. L. K. Tulasiram]

[15th March 1928]

Really, you will be doing a lot of good to the people. It will be putting an end to litigation if the clients and the litigants are informed that at an early stage of the case, if they honestly confess judgment and retire without litigation, or if they compromise the suit or withdraw it, or if they do not contest it, they will get at least half the moiety of the court fees. Sir, when you increased the rates of stamp duties, you gave us an undertaking—I do not want to repeat the arguments advanced by the hon. Members on this side of the House. But I believe, Sir, you have no right to make a profit of about Rs. 60 lakhs from the administration of justice, unless you show reasons, valid reasons, why you delay to give the reform. Mere consideration may be a whitewash, I mean, an eye-wash. I say you should consider it at the earliest moment and come to the rescue of the people and not make a pie of profit from the administration of justice. I therefore support the motion for the cut proposed."

* Mr. J. A. SALDANHA :—“Sir, I do not want to reiterate the arguments urged by my hon. Friends. I may refer to the figures which were mentioned by my hon. Friend Mr. Tulasiram. When I brought forward this very argument of Mr. Tulasiram at the last budget debate or the previous one, the hon. the Member in charge at that time, I think it was the Home Member, said that we should take into consideration also the figures of jails, for jails were connected with judicial administration. Or it may have been some other item. I shall assume that the jails are connected with the judicial administration and I have got figures in addition to this. Now, the jails show an expenditure of Rs. 33,63,000, from which deducting a revenue of about Rs. 10,81,700, the total expenditure on jails comes to Rs. 16,81,300. Now adding these figures to the judicial administration, we have got one crore of rupees of expenditure for judicial administration. Still there is a profit of about 49 lakhs of rupees on account of the judicial stamps. Now it is a point to be borne in mind that on the continent of Europe as well as in England there is no such thing as court fees at all. It is only in India that there is any mention of court fees in connexion with the judicial administration. Let us assume that it is sound finance that we should tax litigation. Well, assuming that we can do that, should Government profiteer out of that? Why this profit by levying such heavy court fees? I do not think the condition of the people permits that. Being in intimate touch with the people, one should see their difficulties in going to court to settle their rights and how much they are deterred from having justice because of the high court fees. Now, these high court fees affect not only the plaintiffs but the poor defendants also. In this connexion, I wonder why neither this Government nor the Government of India have taken action of the recommendations of the Taxation Committee. We have got so many Commissions appointed, who do their work at an exorbitant expenditure but then, the recommendations of these Committees are never even thought of. The recommendations of the Taxation Committee have been thrown into some lumber-room and entirely neglected. I hope the local Government will move the Government of India to take urgent measures to carry out the recommendation of the Taxation Committee in connexion with the amendment of the Court Fees Act and the Stamp Act. Some of the recommendations are very judicious and will at least benefit the poorer classes and tax the richer classes and the incidence of taxation will be more equitably distributed. It is a wonder to us that this point has been raised year after year as to the recommendation of the Taxation Committee and yet no action

15th March 1928]

[Mr. J. A. Saldanha]

has been taken either by this Government or the Government of India. This indifference is one which deserves to be very much condemned by all classes of people, who suffer very much from the exorbitant taxation.

“I need not dwell on all the promises that were given but let Government at least take heed of the recommendations of their own committees in this connexion and stop profiteering. The maxim of the Magna Charta that ‘We shall not sell nor delay Justice’ is entirely defeated in the way in which judicial administration is carried on at such an extravagant expenditure in this presidency as well as in others. I hope this cry coming from all poorer classes will be listened to and steps will be taken to reduce this enormous profiteering that this Government is making at the cost of the poor litigants.”

* Mr. K. R. KARANT :—“Sir, I do not wish to take much of the time of the House at all. But, I wish only to bring to the notice of the hon. the Law Member that his predecessor gave us a promise last year that a committee would be appointed to consider in what cases the court fees could be levelled up and in what cases they could be levelled down. I refer just to the wording of his speech :

‘In these cases,’ said the hon. Sir C. P. Ramaswami Ayyar, ‘the best solution is what has been indicated in the closing remarks of the Member from Madura, that Government should have the opinion of a committee and lay down definitely the rules by which the levelling up and the levelling down of the court fees shall take place. I shall bear that in mind and with the concurrence of my Colleagues, inaugurate a committee for the purpose.’

“I wish, Sir, to ask why this committee has not been appointed and when this is going to be appointed.”

* The hon. Mr. A. Y. G. CAMPBELL :—“Mr. President, Sir, the object of this motion for a reduction of Rs. 100, is to draw the attention of the Government to the desirability of reducing the rates of judicial and non-judicial stamp fees. As hon. Members have said, this matter has been referred to on previous occasions and as far as I can find, there has been no definite promise on the part of the Government that there would be a reduction in the rates in any specified circumstances. Hon. Members have referred to the promise that was made last year that this matter would be considered when the Provincial contributions to the Government of India were remitted. Hon. Members have referred to the report made by the Finance Committee last October to this House regarding the utilization of the amounts released by the remission of the Provincial contributions from 1925-26. That report was made, of course, before the permanent remission had been made of the whole of the contributions. In that report, as has been quoted, the committee recommended that it was necessary to investigate how far the increased stamp duties in judicial and non-judicial stamps introduced by the Act of 1922 might or should be reduced and how soon effect may be given to any reduction which might be found desirable.

“My hon. friend, Mr. R. Srinivasa Ayyangar, in his minute of dissent referred to the answer to a question given on the 18th October to the effect that the Government had decided that it was not advisable to reduce the stamp duties at present. Since that date, there has been a change in the position by the permanent remission of the contributions payable by the Provincial Governments to the Government of India. But this matter is now, under the consideration of the Finance Committee. The Finance Committee took it into consideration and called for certain information ; that information

[Mr. A. Y. G. Campbell]

[15th March 1928]

has now been supplied to the Finance Committee and no doubt the Finance Committee will take it into its earliest consideration. I would, in these circumstances, suggest that it is not desirable that this House should in any way prejudice the Finance Committee by expressing any final opinion without hearing what the Finance Committee may have to say."

Mr. T. ADINARAYANA CHETTIYAR :—“ Will not that strengthen the hands of the committee ? ”

* The hon. Mr. A. Y. G. CAMPBELL :—“ My hon. Friend, Mr. Swami, brought forward certain arguments for the reduction of the duties and no doubt the Finance Committee will take them into consideration. Two hon. Members, Mr. Tulasiram and Mr. Saldanha, referred to the expenditure on the administration of justice and charged the Government with making a profit out of it, even when the upkeep of the jails is regarded as part of the administration of justice. I do not wish to go into the merits of this question, which is rather a wide one, but I would point out that the figures given in the budget as the demand under the particular head, Administration of Justice, does not cover the whole cost of administering justice. There are certain items which are omitted from that head such as pensions and the construction and maintenance of buildings and stationery, not to mention the payments of the cost of Magistrates' courts which are included under another head. It is, therefore, difficult to say definitely whether we are really making a profit out of the administration of justice, taking it as a whole, out of the court fees.”

Mr. P. ANJANEYALU :—“ Have not Government worked it out ? ”

* The hon. Mr. A. Y. G. CAMPBELL :—“ I was not aware, Sir, that this has been done. Sir, my hon. Friend, Mr. Biswanath Das, raised a further question which I did not expect to be brought up this afternoon and that was whether it would not be possible to allow the fees in certain cases to be paid by instalments and my hon. Friend, Tulasiram, also raised the question whether the fees could not be refunded in certain cases where the cases were compounded or withdrawn before the action became a trial. Well, those matters may be considered by the Finance Committee when they are considering the general question whether any reduction of these fees can or should be made at the present time. I may assure . . . ”

Sriman BISWANATH DAS Mahasayo :—“ May I have just some information from the hon. the Law Member, Sir ? ”

* The hon. the PRESIDENT :—“ This is not the time for furnishing information.”

* The hon. Mr. A. Y. G. CAMPBELL :—“ I am sure, Sir, that the Members of the Finance Committee will pay very careful attention to the words which have fallen from the hon. Members this afternoon and I once more hope that this motion will not be pressed to a division, so that it might not appear that this House would not wait for the considered opinion of the Finance Committee before coming to a conclusion.”

* The hon. the PRESIDENT :—“ I take it that the House is ready for a vote on this motion.”

“ The motion was put to the House and carried.

15th March 1928]

* Mr. K. R. KARANT moved—

'to reduce the allotment of Rs. 1,40,100 for Stamps—Judicial by Rs. 100.'

(To sell court-fee stamps up to Rs. 100 through vendors and to express dissatisfaction at the trouble and delay caused to parties in obtaining stamps for over Rs. 50.)

"Sir, I do not wish to take much of the time of this House; but it is rather an important question, because we cannot wait indefinitely till the court-fees are reduced. Meanwhile, in the mufassal especially, we are feeling great difficulty in obtaining court-fee stamps of the value of over Rs. 50. Hon. Members are aware that up to Rs. 50 stamps are sold by vendors, but for stamps over and above that value, we have to put in applications to the Taluk office where the amount should be paid by 1 o'clock and we cannot get stamps till 5-30 or 6 in the evening. This question was placed before the Collector of our district by the Mangalore bar about a year ago, and yet nothing has been done. When the Government are making considerable money out of these stamps, it is only proper that stamps up to Rs. 100 at least should be sold by the vendors. I am aware, Sir, that there may be some more charges to be paid for the sale of such stamps; but when the Government are selling these stamps, they ought also to look to the convenience of the people from whom they are taking the money. I may also bring to the notice of hon. Members that valuation of suits has gone up in almost all kinds of suits by at least one and a half times. In the case of property suits, the valuation has been doubled, as it is ten times the assessment and the court-fee is thrice the old fee. In the case of ordinary suits which we have to file almost daily in the courts, the stamps required are generally of more than Rs. 50, and a good deal of trouble is being experienced by the client population and also by the bar in the whole Presidency. I therefore request the Government to allow the stamp-vendors to sell stamps at least up to the value of Rs. 100 and to save us from this trouble of going to the Taluk office and waiting there for five hours and more to get them."

* Mr. C. RAMASOMAYAJULU :—"Sir, as one of the persons who experience this difficulty almost every day of our lives, I wish to second this motion moved by Mr. Karant. As has been pointed out by the proposer, the increase of court-fees has necessitated the use of higher value stamps even for suits for small amounts; and in regard to such suits, we have very often to go in for stamps of more than Rs. 50. In order to obtain stamps for more than Rs. 50, we have to go to the treasury. There is an unfortunate tendency in the client population, in that they wait till the last day to see whether the money can be recovered by them without the necessity of going to court, and on the last day they come to us saying that the suit should be filed. When they so come to us on the last day, the difficulty is rendered all the greater because before the close of the day the suit has to be filed. This inconvenience can be easily avoided by increasing the value of the stamps sold by the vendors. I would put the value at a higher figure than Mr. Karant has put. I would put it at Rs. 300; because the Munsif's Court's jurisdiction is up to Rs. 3,000, and therefore stamps up to the value of Rs. 300 may be made available with the vendors. I may say that this does not involve the Government in any financial commitments to any appreciable degree. It is only a matter of convenience, and I am sure the Government will see their way to accept this motion."

* Mr. K. V. R. SWAMI :—"Sir, so far as this motion is concerned, there is no loss of revenue to the Government at all. Perhaps it is the other way; they may very likely get more money by making higher value stamps more

[Mr. K. V. R. Swami]

[15th March 1928]

easily available. What is now happening is this : At 11 o'clock the people must go and pay the money at the treasury and then wait sometimes till even 10 p.m. before getting the necessary stamps. Perhaps in the revenue offices they have got too much business to attend to. It will facilitate the purchase of the stamps if, wherever there are banks, the banks are allowed to sell those stamps ; I am sure in that case the people will get the stamps more easily. Now some days of the week are fixed for the sale of such stamps ; and if the people come on any other day, they have to file an affidavit with a petition and pay As. 12 extra. Even then, it is considered as a sort of concession and not the rule. After all, it is the clerk who does this business and therefore the stamps may be made available every day. Wherever it is possible, the stamps may also be made available in the banks. In some places, the bank is much nearer than the treasury and the bank people are always more ready to oblige the people if they get their commission. I think the anxiety of the Government to sell the stamps themselves is due to the fact that they want to save the commission with regard to stamps of higher value. In case of stamps of lower value, I suggest that a lower percentage of commission may be given, so that the vendors may be more ready to sell stamps of higher value, so as to give the maximum convenience to the litigants in getting any stamps from them. As pointed out by Mr. Ramasomayajulu, sometimes the clients feel very great inconvenience in getting the stamps they want and they undergo much anxiety. So, in this matter, arrangement may be made to allow the stamp-vendors to sell higher value stamps ; and probably the Government also may get more money by making the stamps available in more places than one."

* Mr. L. K. TULASIRAM :—“ Mr. President, Sir, perhaps the Government are not aware of the inconvenience caused to the litigants who have to file heavy money suits. The more the value of the suit, the longer the time they have to wait at the taluk cutcherry for getting the stamps. If I want a Rs. 1,000 stamp, I would only get it at about 5-30 or 6 in the evening ; meanwhile I have to carry on negotiations with the clerk concerned and have to pay him some baksheesh. And then only the double-lock system will be opened. I have myself experienced this difficulty and I am quite prepared to give evidence to prove that statement. Sir, this is only a business proposition that we are putting before you. Why not entrust the sale of stamps to the banks say up to Rs. 500, and of stamps over and above that to the District Sarishtadars ? If you do not want the stamp-vendors to profit by the sale of stamps, at least as people who are running the administration of the Government, you must sell these stamps at any time. If I go to a low-paid clerk and ask him to give me a thousand-rupee stamp, he naturally expects something to be given for his trouble. Even for these small things, if you make us put in reduction motions and cut motions, I think there will be no time at all for you to run the administration. In such matters, you must at once stand up and say ‘ We accept it ’ at least for the convenient administration of justice. Then there may not be many speeches here and a lot of time of this hon. House may be saved.”

* The hon. Mr. A. Y. G. CAMPBELL :—“ Mr. President, Sir, several proposals have been put forward by my hon. Friends on the other side of the House. Mr. Karant proposed that stamps up to the value of Rs. 100 should be sold by stamp-vendors ; my hon. Friend Mr. Ramasomayajulu suggested Rs. 300 while Mr. Tulasiram wanted to raise it, as far as I can understand, to Rs. 500 or even to Re. 1,000. There may be some difficulty in carrying out

15th March 1928]

[Mr. A. Y. G. Campbell]

the suggestions, because vendors, as a rule, have to borrow money in order to purchase their stock of stamps, and of course they have to pay interest on the money they borrow. Consequently, it is possible that stamp-vendors may not be willing in many cases to stock these stamps of higher value. The proposal will also involve some further payments by the Government, because at the present time, we pay no discount on the sale of stamps exceeding Rs. 50. My friend Mr. Swami is optimistic that any loss which we may incur in that respect will be more than covered by the increased sale of stamps.

“With reference to Mr. Tulasiram’s visit to the Taluk office, I hope that he will bring to the notice of the Collector of the district any difficulties that he might have experienced. I am sure that in cases in which difficulties of that sort arise and in which baksheesh is demanded by the revenue subordinates, the Collector will be only too ready to take action, if such cases are brought to his notice.

“However, Sir, I shall be glad to take into consideration the suggestions which have been made to-day. I cannot give a definite promise to carry them out, but I hope hon. Members will accept the fact that they will be very carefully considered by the Government and if we find that there is a real demand for the enhancement of the value of stamps to be kept by stamp-vendors, we shall be glad to pass orders accordingly.”

* The hon. the PRESIDENT :—“The question is to reduce the allotment of Rs. 1,40,100 for Stamps—Judicial, by Rs. 100.”

The motion was put to the House and declared lost. A poll was demanded by Mr. Karant, which was taken with the following result :—

Ayes 35.

1. Mr. T. M. Narayanaswami Pillai.	18. Mr. C. Marudavanam Pillai.
2. " Ramanath Goenka.	19. " M. Narayana Rao.
3. " Chavadi K. Subrahmanyam Pillai.	20. " A. Parasurama Rao.
4. " V. Ramjee Rao.	21. " P. Baktavatsulu Nayudu.
5. " S. Vanavudaya Goundar.	22. " C. Ramasomayajulu.
6. " D. Thomas.	23. Sriman Biswanath Das Mahasayo.
7. " Sami Venkatachalam Chetti.	24. Mr. A. Kaleswara Rao.
8. " S. Satyamurti.	25. " R. Srinivasa Ayyangar.
9. " C. V. Venkataramana Ayyangar.	26. " K. Koti Reddi.
10. " T. Adinarayana Chettiyar.	27. " L. K. Tulasiram.
11. " P. Anjaneyulu.	28. " K. R. Karant.
12. " J. A. Saldanha.	29. " K. Madhavan Nayar.
13. " C. S. Govindaraja Mudaliyar.	30. " P. Siva Rao.
14. " G. Harisarvottama Rao.	31. Diwan Bahadur M. Krishnan Nayar.
15. " C. N. Muthuranga Mudaliyar.	32. Mr. T. K. Chidambaranatha Mudaliyar.
16. " K. V. R. Swami.	33. Diwan Bahadur S. Kumaraswami Reddiyar.
17. " D. Narayana Raju.	34. Rao Bahadur B. Muniswami Nayudu.
	35. " K. Sitarama Reddi.

Noes 26.

1. The hon. Sir Norman Marjoribanks.	13. Mr. P. J. Gnanavaram Pillai.
2. " Khan Bahadur Muhammad Usman Sahib Bahadur.	14. " R. Foulkes.
3. " Mr. T. E. Moir.	15. " C. D. Appavu Chettiyar.
4. " Mr. A. Y. G. Campbell.	16. " J. A. Davis.
5. " Dr. P. Subbarayan.	17. " V. Ch. John.
6. Mr. C. V. Anantakrishna Ayyar.	18. Subadar-Major S. A. Nanjappa Bahadur.
7. " F. B. Evans.	19. Mr. N. Siva Raj.
8. " H. A. Watson.	20. " V. Gangadhar Siva.
9. " G. T. Boag.	21. Rao Sahib L. C. Guruswami.
10. " A. McG. C. Tamboo.	22. Mr. V. I. Muniswami Pillai.
11. " S. H. Slater.	23. " W. P. A. Soundarapandya Nadar.
12. " C. B. Cotterell.	24. " K. Krishnan.
	25. Rajkumar S. N. Dorai Raja.
	26. Swami A. S. Sahajanandam.

[15th March 1928]

Neutral 14.

1. Mr. A. B. Shetty.	8. Mr. A. Ranganatha Mudaliyar.
2. Dr. (Mrs.) S. Muthulakshmi Reddi.	9. The Raja of Panagal.
3. The Zamindar of Seithur.	10. Diwan Bahadur P. C. Ethirajulu Nayudu.
4. Mr. J. Bheemayya.	11. Mr. P. T. Rajan.
5. " S. Venkayya.	12. Rao Bahadur S. Ellappa Chettiyar.
6. The Zamindar of Gollapalli.	13. " C. S. Ratnasabapathi
7. Diwan Bahadur R. N. Arogyaswami Mudaliyar.	Mudaliyar.
	14. The Zamindar of Mirzapuram.

Ayes 35. Noes 26. Neutral 14. The motion was carried.

* Mr. J. A. SALDANHA :—“ Mr. President, Sir, I beg to move
 ‘ that the allotment Rs. 4,900 for charges for sale of stamps be reduced
 by Rs. 100 ’.

“ This token motion is connected with the motion that was moved by Mr. Karant in this way, namely, that the stamp-vendors are given a very low percentage of discount. The fact is that the stamp-vendors are debarred from purchasing stamps for more than Rs. 50. I am sure there is one thing standing in their way, that is this bar. Further the great deal of the inconvenience which the public have to put up with at present, can be avoided if stamps to a larger amount are sold to the stamp-vendors. The hon. the Law Member said that the difficulty with the stamp-vendors is that they can't afford to purchase for any amount above Rs. 50 as they had to borrow money from elsewhere on interest. I suggest that this can be removed by giving them a liberal rate of discount; and I do not think it difficult in view of the fact that the charges for sale of stamps of the value of over $2\frac{1}{2}$ crores are only about Rs. 5 lakhs. At present the condition of these stamp-vendors is miserable and I hope Government will be generous enough to give them higher rates of discount.”

* The hon. Mr. A. Y. G. CAMPBELL :—“ Mr. President, I believe the rate of discount is considered from time to time. Usually we obtain a report once in five years, and the next report is due in 1931. So far no complaint has been received from the stamp-vendors and in the absence of any, I hardly think it necessary to go into the matter.”

Mr. J. A. SALDANHA :—“ I withdraw the motion.”

* The hon. the PRESIDENT :—“ The motion is by leave withdrawn.”

Demand III—Stamps for Rs. 5.71 lakhs minus Rs. 200 was put to the House and adopted and the grant made.

DEMAND IV—FOREST.

The hon. Mr. A. Y. G. CAMPBELL :—“ On the recommendation of His Excellency the Governor I move—

‘ for a grant not exceeding Rs. 42.17 lakhs for Forest ’.”

Mr. SAMI VENKATACHALAM CHETTI :—“ I do not move.”

* Mr. G. HARISARVOTTAMA RAO :—“ Mr. President, Sir, I move :

‘ that the allotment of Rs. 95,900 for General Direction be reduced by Rs. 100 ’.

(To record disapproval of the Forest Policy of the Government.)

“ My hon. Friend to my right reminds me of the fact that I come from the forest. I do. I am not ashamed to own that my district contains the best forests on the eastern coast, and the Government have been exploiting those forests to the greatest detriment of the ryots. The policy of the Government is not very clearly known. I am afraid there does not seem to be any policy that

15th March 1928] [Mr. G. Harisarvottama Rao]

this Government is pursuing. I know there is an enunciation of a particular policy by the Government of India. There, it is stated and accepted that the ryot's primary necessities should be satisfied. How far that has been done in regard to the forests in this Presidency is the question that I propose to survey. In the Madras Presidency the forest policy has almost been callous. In my own district, the Kurnool district, the forest official is a mere terror to the people of the district, high or low, rich or poor, Brahman or non-Brahman, shepherd or non-shepherd. Every one of us in our district has to live under constant dread of the forest official. In passing, I may even state that the forest official has to do a great deal with elections. The poor ryot is at the mercy of even the petty forest officer. There is no evidence needed to convict a man, the mere statement of a forest official is sufficient to convict a ryot. The word officer has a peculiar designation. The forest law makes even the lowest servant in the department an officer. Under these circumstances one would expect that the policy of the Government in regard to the forests, as it affected the ryot, would have been pursued in the most liberal manner. On the contrary the policy that is now adopted is the most illiberal. From the 'classification' of the forest onwards to 'forest cases' the whole policy is one of niggardliness. Taking my own district there are two main chains of mountains—the Nallamalais and the Erramalais. The Nallamalai forests are supposed to be the finest. I admit. The Erramalai has been described by no less an authority than Mr. Stebbins in his 'forests of India' as 'barren rocky hills'. These 'barren rocky hills' have been classified into ryots' forests and Government forests. That is the classification to-day. There is what is called an Owk reserve. In the Owk reserve there are 81,804 acres of forests. Within that according to the admission of the Government records themselves 8,000 acres have a fair percentage of timber.

"There is not much of ryots' forest there. In the whole area of 755.16 miles 3-45 p.m. of Erramalais we have only 77.16 miles set apart for handing over ultimately to the ryot. What is handed over up till now is nothing at all. Of course, the plea is put forward that the ryot is not very anxious to take possession of these forests. It is perfectly true, because the privileges granted to the panchayats are so few and the burdens imposed on them are so heavy that the people are not prepared to take charge of these things unless the Government gives them better terms and better opportunities for managing these forests. The classification is very niggardly. That was exposed by the authorities appointed to classify them. Mr. Whitehead had certain forests in the intermediate class which might later on be handed over either to the ryot or to the Government for management. All these forests have now been handed over to the Government in spite of the protest on the only non-official member of the Committee then sitting. A great deal of the Erramalai forest is barren rock; and I invite the hon. Member in charge of Forests—now he is the Law Member—to visit this area and see for himself whether on any scientific basis there is any justification for reserving this at all.

"With regard to the privileges of the ryot in the forest, the first thing is grazing. In the Kurnool district the privilege has become exorbitantly costly. The ryot is charged eight annas per cow head. But in some cases it is even higher. They have what are called local villages and foreign villages. The local villages do not pay the penning fee, whereas the foreign villages have to pay a penning fee of eight annas besides the grazing fee. Thus you will find that in the majority of cases the ryot has to pay one rupee per cow head where

[Mr. G. Harisarvottama Iao]

[15th March 1928]

he was paying only three annas some years ago. Further, Sir, on the margin of the Cuddapah district and the Nellore district the ryots have to pay double fees—the fees due to the Cuddapah district and the fees due to the Nellore district besides fees due to the Kurnool district. In a similar manner whenever the cattle have to pass through two ranges, as for example in the case of Cumbum and the Gundlakamma ranges the ryots have to pay double fees and take two permits. Often times therefore they have to pay Re. 1 or Rs. 1-8-0. The Committee appointed to go into the forest grievances of the district recommended lower grazing fees. Government took time to think about it. I asked them questions and they gave me a wonderful reply. They said that Nallamalais were very good and eight annas must hold good. After all Nallamalais form only a part of the Kurnool district; there are the Erramalais which are very barren, from which the ryots get very little return and yet the Government in their reply to my question—I do not say, was, but affected to be—blind to the existence of the Erramalais.

“The second argument was that the panchayats would find it hard to manage if the levy of eight annas is reduced. This is a topsy-turvy argument. You want to hand over the forests to the panchayats only to a very limited extent and you are enforcing your own terms on the panchayats. To argue therefore that the panchayats would feel the hardship even before they are formed is a thing which I cannot understand. Even the Nallamalais are not very rich in pasture. There are portions which are bleak and even in portions where there is plenty, the season for grazing is very limited. There is what is called the early burning season and the Government may at any time take early steps to burn the grass. According to the admission of the Government itself, abundance of grazing facilities in the Nallamalais is not a sufficient argument to hold to the eight annas level, besides the penning fees and double fees in the case of adjoining or intervening ranges.

“The next question is with regard to fuel. In the earlier days the Board of Revenue condemned the policy of denying to the ryot free fuel. In the Kurnool district the poor ryot who wants to buy fuel for one anna or two annas has absolutely no facility to do so. Government have stated that they have established fuel coupes from which they could remove fuel on payment of a small fee. But the small fee is Rs. 1-4-0 and from the replies that I have got, there are not more than five villages in the whole district which are within three miles of any coupe whatsoever. Now the contractor is called to the help of the Government; but he is a big man and he always makes profits out of Government concerns; he has not the good of the people at heart. The primary right of the citizens for fuel is in this manner taken away from him. In Kurnool West, for example, even the smallest facilities are not provided for him. In answer to a question of mine whether dried twigs are allowed to be taken away for fuel, the prompt reply from the Government was that it was prohibited because offences would occur. No citizen, no ordinary man, no human being with a grain of commonsense can ever feel satisfied with an answer of that nature, that because there may be offences committed in the forest dried twigs should not be removed. From a study of the forest policy in other provinces, I am able to say that head-loads are being permitted to be removed there. Even here head-loads are being permitted to be removed from non-reserves after the establishment of panchayats. If as a matter of policy head-loads are not permitted to be removed, the poor ryot feels the greatest difficulty for fuel. I am a middle-class man, Sir, and I find

15th March 1928] [Mr. G. Harisarvottama Rao]

it very hard to get fuel even in the town of Nandyal. I have to pay Rs. 16 a cart sometimes though the forests are so close to us and the district is a forest district.

"The next thing that is absolutely necessary for the ryot is 'agricultural implements'. Whenever this question has been raised Government say that they have got depots. Where are the depots, I ask, except in East Kurnool district and that too in the forests as my friend from Coimbatore suggested? There are very little facilities in Kurnool West and Kurnool South. As regards Kurnool South I was told that certain ryots were called for a conference in 1924 or 1925 and that they were advised to form a co-operative society and buy up coupes which the Government were putting up for auction and make implements out of the wood that they would get in those coupes and that these ryots appreciated the proposals and went away. I want to know what facilities Government had given for this purpose. Government have not taken care to enquire whether the scheme was a success, whether the ryots started any co-operative societies and if not, what other steps they should take to provide facilities.

"No attempt has been made all these years to find out what the difficulty of the people is. As a matter of fact the ryots have demanded that they shall be allowed to cut wood for implements within the forest for one month in the year from the trees marked by Government. What is the real trouble now in this matter? The Government is losing heavily because of its blindfolded policy. The ryots may be prosecuted. But the primary necessities of the ryot must be met and the adventurer, the thief and the criminal are always gaining at the cost of the ryot and the Government. No provision has been made for supplying wood for making implements to the cultivator. He wants one month's time to cut wood for his implements within the forest from trees marked by the department if it so chooses. If you do not make provision for it how is he to get it? You tell the ryot that he can get wood in the depots where there is no wood fit for any agricultural implements at all. The fattest man gets advantage from these depots. The lean ryots have to suffer and have to cringe for mere favours.

"He must have his supplies. He cannot live otherwise. He gets these supplies but only in a way that is creditable neither to the Government nor to the department and that is not calculated to keep the forests well. This state of affairs is there and if the Government remains blindfolded it cannot vanish.

"I shall not further dilate upon the primary necessities of the ryot. I have a great deal to say about many other matters including the free supply that is given to poor people when they apply for building materials under emergencies. All these things have to be looked into by the Government. I do not want to traverse that ground for fear that I may tax the patience of this House. I would specially ask the hon. the Law Member who is now in charge of forests to examine once again very carefully the provisions of the Forest Law as they apply to the ryots.

"It was foreseen by the Board of Revenue in Madras that if you impose this law upon the country the lowest official in that department would be as tyrannical as the worst tyrannical Emperor or ruler. The Forest Guard is really the incarnation of the King-Emperor in the villages and not the hon. the Law Member. The Law Member may sit here but his powers are not

[Mr. G. Harisarvottama Rao] [15th March 1928]

felt there. What is felt is the tyrannous conduct of the lowest official. I understand the difficulty of the Government also. I do not want to belittle it but the Government must face the issue whether they will permit their lowest official to tyrannise the people or whether they would risk even a little on behalf of the people on whose behalf they act. A recent case has come to my notice. I have not verified it; I am not prepared to dogmatize about it. But with regard to compounding fees they not only impose compounding fees but they also prosecute the offenders. To a question I asked on the floor of the House about compounding fees, the Government were not prepared to standardize the compounding fees because they said that in that case the officials in the Forest department would be inclined to prosecute the offenders. Owing to the smallness of the compounding fees, the offenders may go on committing offences and the Forest officials may think that they must be taught a lesson. In addition to collecting compounding fees, people are prosecuted for various offences. . . .

The hon. Mr. A. Y. G. CAMPBELL:—"Even after the compounding fees are paid."

* Mr. G. HARISARVOTTAMA RAO:—"That is my information not yet verified. I shall write to you later on about that. The point really is that there are instances where the Forest laws are so administered as to be most oppressive to the ryots. Three or four laws are put into motion at the same time. The Forest law is put in motion; the law of pounds is put in motion; the law of damages is put in motion; the law of obstructing a public servant in the discharge of his duties is put into motion. It is said that in the forest you cannot get evidence. That applies equally to the ryot. He can possibly get as little evidence as the forest guard. Are you going to leave the citizen at the mercy of the zulum of the lowest official? Are you going to leave the lowest official at the mercy of the citizen? Which is the alternative; it is a very difficult question to answer. I shall have to say that the lowest official should be at the mercy of the citizen and not the citizen at the mercy of the lowest official. Because after all, the Government exists for the sake of the people and not for their own officialdom. If you want the Forest administration to be acceptable to the people of this country and if you look to the facilities of the people you must simplify the Forest laws, and make them less oppressive.

"I have been told—it is for the Government to find out how far it is true—that the lowest official goes to the forest and asks the shepherds to carry himself and his wife in a palanquin to the top of the hills—this is most outrageous (without payment—a voice Yes, without any return). Men who live in forests have to supply pots of milk and numbers of goats and sheep for the satisfaction of the lowest of the department officials. Is this policy to be tolerated by the Government from year to year? It is not an argument to say that there are difficulties. They must be faced. The citizens must have their rights; they must have their privileges. It can be no argument for the Government to say let them take over what we are prepared to give them. I cannot say much about the Chief Conservator, because he very rarely comes into contact with lowliest ryot. But I may say that from the Conservator downwards there is no mercy in the hearts of any of these forest officials. There may be one per cent of them who are kind, who are sympathetic. Human nature is good sometimes; but it is very rare, absolutely rare in the Forest department. I place these facts before the House and urge

15th March 1928] [Mr. G. Harisarvottama Rao]

that this cut of Rs. 100 should be accepted. I have no hesitation in commanding this motion to the House and I am sure the House will unanimously vote for it. I expect the hon. the Law Member himself, if he has real heart, to vote for this motion."

* The hon. the PRESIDENT :—"The question is 'to reduce the allotment of Rs. 95,900 for general direction by Rs. 100'."

* The hon. Mr. T. E. MOIR :—"Mr. President, I did not intend to take part in this debate had it not been for the fact that the hon. Member who just sat down has given us a disquisition with reference to a district which I myself happen to know very well. It gave me great interest to hear him describe himself as a hillman or as one who came from the forest and I admired the very graceful way in which he thus placed himself with other hill tribes under the protection of my hon. Friend, the Home Member. But may I say to him, though he may claim to come from the hills or jungles, that is hardly sufficient justification for a Member of this House to get up and make an unqualified attack on a department root and branch, from the head to the foot and from the foot to the head? I possibly know the remotest corners of that district as well as he does since I served five long years there before he was ever heard of in that district."

Mr. G. HARISARVOTTAMA RAO :—"I may say that I was born in that district."

* The hon. Mr. T. E. MOIR :—"I do not think that the hon. Member should interrupt me; I did not interrupt him. (Here Mr. Harisarvottama Rao said, I have a right to interrupt you.) Sir, has the hon. Member a right to interrupt me?"

* The hon. the PRESIDENT :—"The hon. Member is requested not to disturb the hon. the Finance Member in his speech."

* The hon. Mr. T. E. MOIR :—"I have possibly had a much wider acquaintance with the hills, the Nallamalais and the Erramalais to which he referred than he has. I penetrated into many corners of them and I have seen something of the work and difficulties which face the Forest department in that district. He referred to the fact that parts of these forests were so poor that even the ryot would not consider the possibility of taking them up as ryots' forests. I am not going into details; they are matters for my hon. Colleague. But what we are discussing is the policy of the Government. Why is it that the ryots were not anxious to take up these forests? For this reason; because of the policy which the hon. Member puts forward as being his alternative policy to that which the Government are attempting to follow was in force in those forest areas for generations before our Forest department took them in hand and tried to put right what are manifest evils.

"I have wandered through those Erramalais forests and seen all that was left of what was once a forest which, if properly fostered and protected, would have been able to meet those very needs of the ryots to which my hon. Friend attaches, and rightly so much importance. The policy of Government is to attempt as best they can to restore those forests to a condition in which they will once again be able to supply the needs of the ryots, fuel, implements and the one hundred and one other requirements which can only be met from timber and various other forest products which are so essential to the ryot. If the policy put forward by the hon. Member were put into force in a couple of

[Mr. T. E. Moir]

[15th March 1928]

years, all that we have attempted to ensure in the last thirty or forty years would be wiped out and nothing would remain of what was once and what ought to be a large expanse of a carefully preserved and carefully utilized forest. May I say that it is not only for the needs of the ryot in respect of fuel or implements or anything else that the restoration of these forests is of great importance? I have travelled through the lands lying at the foot of those forests, for miles and miles. I found tracks of country which were once cultivated with paddy crops under the perennial spring and tanks now abandoned, where now not an acre is under cultivation. And why? Because these springs, these tanks under which luxuriant crops once grew, were in those days fed from hills which were covered by verdure and clothed with grass which held and absorbed the rainfall and gradually let it down into these springs and tanks which are now lying without any cultivation under them, and where only occasionally the local rainfall gives a precarious supply of water for half-starved cattle. The only remedy that the hon. Member can put forward is, and that is, what it really means, to allow any one to get into these forests, cut them out and leave them bare. . . .

* Mr. G. HARISARVOTTAMA RAO :—“On a point of personal explanation, Sir. The hon. Member is absolutely wrong in saying that I said that people should be allowed to do anything they pleased in the forests without the restrictions imposed by them under the forest laws. I only said that officers of the department should not be allowed to go out of their way to penalize the people.”

* The hon. Mr. T. E. MOIR :—“Sir, his whole policy is based on that. He means that when he talks of our being sympathetic to the ryots. But, Sir, we have to think not merely of next year, but of the requirements of years to come and of generations to come. It seems to me that it was a most unjust attack to make upon a department which has steadily kept that ideal in view, and is acting as a trustee managing for the benefit of the people property which it is attempting to do its best to restore to a prosperous condition, the responsibility for the lapse from which cannot be laid to its charge.”

* Mr. K. R. KARANT :—“Sir, in supporting this motion, I wish to speak with reference to this policy only so far as it concerns the district which I represent and I only wish that some hon. Members of Government like the last speaker who knows about our district comes to answer the points which I am going to raise. The first point, Sir, is this. It was very interesting to hear the last speaker in his furious mood say that they followed a grand forest policy for the last forty years. I shall show what the policy has been so far as my district is concerned. First, I shall speak of the population and how it has been declining in the whole of this district. I can understand increase in revenue in other departments, but, is it the result of this policy for these forty years as we see from the budget? The income from forests is 51 and odd lakhs, and the expenditure 45 lakhs and odd. The net income is therefore 6 lakhs and odd. I ask the Government for this small profit whether it is necessary to tyrannize and give trouble to the people. I speak only with reference to my district because I do not know conditions elsewhere. The first thing in our district that is noticeable as a result of this policy is that the population has been steadily decreasing from census to census. In the last four censuses of the district, from 1881 to 1891, the increase in population was 10·1 per cent. From 1891 to 1901, 7·5 per cent. From 1901 to 1911, the increase of population is only 5·3 per cent. From 1911 to 1921, the increase

15th March 1928]

[Mr. K. R. Karant]

is only 4·4 per cent. In all these four decades the general increase in the population in the district was 30 per cent only as against 37·3 per cent for the whole of the Presidency. I shall take hon. Members through certain statistics of villages which have got forest reserves and show that instead of increasing the population has decreased. In Albadi, the population in the last census of 1911 was 1,373 but in 1921 it was reduced to 1,284, a decline of about 100. In Kolluru the population in 1911 was 801 and was reduced to 688 in the last census. In Shankaranarayana where there is a local fund dispensary, it was 2,964 in 1911 and 2,961 in 1921. There are any number of other villages, whose statistics I can quote. I shall give some in the Uppinangadi taluk which contains large reserves. In Golithottu the figures are 693 and 676. In Guttigar 907 and 834; in Hatyadka 1,219 and 1,083; in Jalsur 1,243 and 1,102. In all these cases population has declined instead of increasing.

“ I will not take the time of the House any further. I have only mentioned these to show that where there are large reserves the population has been steadily decreasing. A fortnight ago I visited a village at the request of the ryots there and I found that in certain parts the people are not cultivating fields for which they are actually paying an assessment. The grievance of the people is that where there are roads in forest areas Government do not take the trouble to make them poramboke. Another point was mentioned by my friend Mr. Harisarvottama Rao that where there are two blocks or ranges adjacent to each other if cattle stray from one area to another they are impounded.

“ Then again about the question of the extension of the reserves. To a question of mine No. 768 put on the 31st March 1927 as to whether certain new reserves were being made or the limits of old reserves extended, whether the ryots had been consulted in the matter and if not why not, the Government replied that the procedure detailed in the Madras Forest Act is being followed and that that procedure does not contemplate any direct consultation with the ryots. And we who represent that district find that from year to year the reserves are increasing without any consultation, either with the ryots or with hon. Members here who represent them. Next I shall give a few figures to show how these forests have been affecting the health of the district. The cases of malaria treated by the dispensaries in our district as seen from the statistics furnished by the Government (vide Q. No. 411, dated 16th March 1927) are : 22,570 in 1922 and 59,183 in 1926. There are various other points which I may touch. But I do not wish to tax the patience of the House. These are matters which the Government should look into and remedy and not leave them to future generations for whom the hon. the Finance Member says he is a trustee.”

* Mr. A. B. SHETTY :—“ Sir, during the budget debate of last year when several hon. Members of this House complained about the trouble, inconvenience and difficulties caused to ryots on account of the proximity of forests to their private holdings, Mr. Tireman said in the course of his reply that orders had been issued more than once that if any such cases were brought to the notice of the local officers, the facts should be reported to him so that he might take immediate steps to get the reserve lines removed. In the case of South Kanara I have been made to understand that it won’t be possible to remove the reserve boundary further away from the limits of the cultivated lands on account of the zigzag nature of the village outlines and also on

[Mr. A. B. Shetty]

[15th March 1928]

account of the belt of the reserves being not more than a mile or so in width except in the ghat sections. If this information is true and correct, South Kanara cannot hope to get this grievance removed.

" If the reserve lines cannot be shifted, the next best thing to do is to clear the undergrowth in the forests to some distance from the ryots' holdings. The ryots in South Kanara have been given the privilege of cutting off the undergrowth in forests to a distance of half a mile in the interior places and 200 yards in the coast line but they have not availed themselves of this concession. The Forest department must, therefore, employ its own agency for clearing this undergrowth which gives shelter to wild animals. The damage to crops that is done by wild beasts in the fields near the forests is admitted by the Government. There are no statistics to show the extent of this damage and the ryots have to put up with it with no hope of any relief in any shape. The havoc done by the wild beasts to the cattle of the ryots in the proximity of forests is also admitted. The report of the Collector of South Kanara which was laid on the table of this House in reply to an interpellation of mine on 25th January 1928 shows that the number of cattle killed by wild animals has increased from 3,590 in 1924 to 4,250 in 1926. Yet the rewards given for destroying wild animals has been steadily decreasing. It has gone down from Rs. 3,004 in 1922 to Rs. 1,116 in 1926. The Collector says that this must be due to the instructions issued by the Revenue Board to the effect that rewards must be granted only in deserving cases. What exactly is meant by the term 'deserving cases' has not been made clear and the result is that rewards have been restricted. The destruction of wild animals is necessary for the protection of crops and cattle and for this purpose the Government should give rewards more freely and also give all facilities for people to hunt in the forests. From 1921 to 1926 only 27 persons in all seem to have been permitted to hunt in reserved forests. I trust that more encouragement will be given hereafter for villagers to organize hunting parties.

" In South Kanara district concessions have no doubt been given to the ryots in the matter of removing dry and green leaves, fuel, etc., but as Mr. Harisarvottama Rao has just now told this House, the forest guards often harass the ryots and unless they are paid their manum they make false reports and foist cases on poor people. It will be a great hardship to the ryots especially near the coastal reserves, if these concessions are withdrawn on any grounds.

4-30 p.m. " The hon. Mr. Moir speaking about the Forest department during the last budget debate said that the Government do not regard it solely as a revenue-making department and that they have never forgotten that its main object is to supply the needs of the people and it must pay attention to the facts that the ryots do require fuel, timber, etc., and that they require grazing for their cattle. But, how far is this policy carried out in actual practice? Some time back in answer to a question of mine the hon. the Home Member who was then in charge of the Forest department admitted that he had received representations from the ryots in South Kanara for total or at least partial remission of the grazing fees. But he expressed a fear that it won't be possible for Government to show any concession in this respect even to poor cultivating tenants. I hope, Sir, that in future at least Government will adopt a more sympathetic policy and see that the forest grievances of the people are redressed as far as possible."

15th March 1928]

* **Mr. J. A. SALDANHA** :—“Mr. President, most of the points have been dealt with by the two other hon. Members from South Kanara as I had myself through my questions and interpellations and through my speeches on previous occasions. The battle in South Kanara is a battle between wild beasts and human beings and in this battle the Government in the Forest department sides with wild beasts whereas the Revenue Officer never attempts to help the ryots. I can say that the ideals of the Forest department are good in theory but in practice the Forest department is to a great extent a curse to our district. As my friends have pointed out the population on the frontier of South Kanara on Mysore side is rapidly decreasing while the wild animals are increasing in a higher proportion than mankind with damage to crops. One great cause of this is the rapid spread of malaria. The answer given in explanation is that these figures of malarial cases treated were due to the fact that more people resorted to the hospital than before. I know poor people resort to hospital. But we know very well from experience that in villages near the ghats this increase of malaria is due to the excessive development of the forests. We have to be thankful to the Forest department for the development in forests but it must not be at the cost of humanity. Humanity is much more important than the forest and the wild animals they breed. If forests lead to destruction of crops and humanity surely the Forest department must see that this is stopped. I once took evidence of the villagers at Hospet near Mudibidri in Karkal taluk, South Kanara, in the presence of the District Forest Officer which showed that almost all the cows in those villages had been destroyed and there was hardly any cow left there with the result that ghee and other products well-known in Kanara for their purity are unknown now. When the officers of the Forest department disbelieved the stories of the people, they challenged them to get, say, one seer of milk from their villages, from which so much of cows-ghee were once exported. After the villagers had proved to the hilt that almost all cattle had been carried away by wild animals, to the number of 150 cows in three years, the Forest Officer made the recommendation of allowing a certain belt without trees between the forest and the cultivated area about quarter of a mile. The burden of clearing the area was however put on the people. These villagers would have been glad to cut down these shrubs and trees but there is a wild plant that grows very rapidly. It is of such a nature that it is impossible for the poor people to get rid of it, as a good deal of painful labour is necessary. The villagers would have to devote disproportionate labour and time for that year after year and to neglect the cultivation in order to get rid of that. This was not the only difficulty. The removal of the green leaves is made conditional on the removal of this and other wild growths. So these restrictions practically have rendered the privilege of removing green leaves as well as dry leaves of the forest nugatory. I do not want to dwell upon what the other hon. Members have said. I have spoken about them in the past. I hope the Government will carefully consider these matters. We have promised to go ourselves with the Forest Member whoever he may be to look into these grievances. We find very little time to study these questions with all our local and municipal problems. There are however broad facts which can be easily established. So far as the villagers are concerned, I shall give an instance. At Hospet near Mudibidri the people mostly Christians were once prosperous and built one of the finest churches in their village. Now with the growth of the forest it is probable

[Mr. J. A. Saldanha]

[15th March 1928]

that the population will be gradually driven away so that within 25 years that church will have to be abandoned. These facts have been mentioned in a memorial which was forwarded by the villagers to the Government. I myself have been urging people to be patient because the policy of the department is a sound one. It is the method that is responsible for the mischief that the forest policy does. I do not want to dwell much upon the corruption of the lower officers. I have proved in the case of one rural Forest Officer, a guard, to what extent he made a fortune by making the villagers pay regularly for the removal of dry leaves from the forest. The Forest Officer would not believe this. He said that the people wanted to rouse me up. I had to point out that the information of these people was correct and I went personally to the village early morning at five o'clock and paid a surprise visit. In the presence of the ranger I took down evidence and proved to the hilt that there was any amount of corruption at least among lower subordinate officers. For years together such things have been going on and the officers of the department would not believe the villagers' complaints. Personally with so much inconvenience to myself I proved the facts and it was only then that the guard was removed by the Forest Officer. Is it necessary for a Member of Legislative Council to go and prove these facts? It is the duty of the Forest department to find out the right sort of men, and also the wrong-doers. A great amount of corruption is going on. This goes on also in Mr. Harisarvottama Rao's district. It goes on elsewhere also. Some higher forest officials also shut their eyes and close their ears to all representations. So we hope that Government will very carefully look into this matter and make a careful study of the whole question and see that justice is done to the people. I hope it will early be recognized that the lives of men and the interests of humanity are of greater importance than the conservation of forests and the breeding of wild beasts."

* Mr. T. ADINARAYANA CHETTIYAR :—“ The administration of the Forest department is a regular conundrum. Government repeatedly say in all the reports that the Indian forests constitute a great source of national wealth. When, however, it comes to a question of facts and figures, income and expenditure which is after all the hard test by which many things even in Government departments have to be reckoned, we find that against the expenditure of 52 lakhs the return we get is ridiculously inadequate. It must be remembered that 45 lakhs worth of valuable produce is carried away every year from these forests. Sir, it would not perhaps be a very serious misfortune even if a sum of 50 lakhs be spent annually provided there is some adequate return for the large amount that the Government is spending year after year. But if you analyse the heavy expenditure you will find that a lion's share of this vast expenditure goes to maintain the top-heavy administration of the department. This is a criticism which has been levelled on the department from these benches year after year. Unfortunately this is a cry in the wilderness and I suppose I am not wrong in using that expression with reference to this department. If you analyse the numerous posts—non-voted luckily for the incumbents on which this large amount is spent you will find fancy-names, strange names, un-understandable names and even more un-understandable duties if duties are attached to some of these posts. There are Conservators whose number never goes down. One is called I believe an officer for plannings or for preparing plans. Preparing plans for what? We are not told what it is he is planning and why this planning never ends.

15th March 1928] [Mr. T. Adinarayana Chettiar]

4-45
p.m.

“There are conservators, assistant conservators, extra assistant conservators and supernumerary conservators. Their very designation tells us that they are people who can well be spared. But that is the old order. Under the new order, we have still more fanciful names. These are exploitation officers, development officers, forest economists, logging engineers. These are the new terrors that have been added to the expenditure side of the Forest department in the last half a dozen years. But as a sort of sop to the increasing demands for retrenchment from this part of the House, the Government sometimes go in for some mockery of a retrenchment. But let us see who are the people that are the victims of this retrenchment-axe. It is the poor low paid subordinates : seven rangers, 43 foresters and 167 forest guards—this is the sad tale told by the budget—these are the people that are sought to be deprived of their already scanty bread. But all these conservators and exploitation officers (exploitation in the literal sense of the word) are kept on. This is certainly a case of giving to those who have and taking away from those who have not. But the whole army of conservators and supernumerary officers will get on merrily at the expense of the Indian tax-payer. The test that is naturally applied in civilized countries is what is the return you get for your expenditure and whether there is any income at all to justify the expenditure. Judged by that test, our forest administration must be voted down a thorough and disgraceful failure. Russell-konda has got its own sad tale to tell. Sir, it was said in this House in reply to the question of mine and of somebody else that the sleepers which were sent to the Calcutta market could not be sold, and the machinery purchased, none too wisely, had to be written down for less than half its value. There are of course also the Nilambur and Olavakot forests. It has been stated in the House that the real object of starting the works at Olavakot was to make chests for the packing of tea from Travancore and other areas. This establishment costing lakhs and lakhs is kept up primarily for supplying a few items of furniture, for the rich people and wooden chests for export of tea from this country. One of the highest officers of the Madras Government who retired only recently, had shares in some of the tea estates, and these works were started when he was in service and this went on unchallenged. That is the sorrowful tale which is unfolded by the working of this department under fancied officers, unfortunately costing considerable sums of money to the tax-payer. Even as regards Nilambur and Olavakot, I am doubtful whether the present pleasant picture is going to be a rosy one even in the immediate future. Already reports to hand reveal a sorrowful tale. It is said that the logging experiments are so far successful, because the tractors have been able to go on the broad paths which have been made ; but whether they are going to be successful, whether they are going to be paying when the logging experiments have to be carried far into the interior is yet a matter of speculation and doubt. The skeleton in the cupboard however is already noticed.

“Let us turn to another argument of the Forest department. They are never tired of pointing to the large tracts of forest areas which have been transferred to the panchayats. But where is the corresponding diminution in expenditure ? We who are out to criticize the Government cannot afford to forget that the very object of the transfer of these areas to the panchayats was not a very altruistic one. They transferred them because these forests have not been yielding the revenue which they are expected to and that therefore they are transferred. Unfortunately, they transferred not only those forest

[Mr. T. Adinarayana Chettiar] [15th March 1928]

areas to the panchayats but along with them the evils and the petty tyrannies which existed prior to the transfer of those areas. The forest panchayats are not gratuitous bodies, and blood money is squeezed out of the panchayats to the full extent which was being derived from these areas, the barren and unprofitable areas. One other result probably not looked for by the Government was when these areas were taken over by the panchayats there have begun factions in the villages where they did not exist before. The hon. Mr. Moir with a vehemence which is not usually seen in him (Mr. Harisarvottama Rao : Always seen in him)—I am contradicted but I won't withdraw what I have said—that before the friends of Mr. Harisarvottama Rao entered into these forests they were paradises, but men of the stamp of Mr. Harisarvottama Rao denuded them and turned these virgin forests into Saharas. Now let us see what the Government has done to restore these Saharas to their ancient prosperity and vernal greenness in which they were pictured as existing at the time Mr. Moir was District Officer in Kurnool. They are now under a panchayat officer. But what are his qualifications? He is an ordinary Deputy Collector who does not know the A, B and C of conservation, who does not know the A, B and C of scientific forestry. And the 25 newly recruited panchayat Deputy Tahsildars are people who are not only ignorant of forestry but also ignorant of the current conditions of life. With these raw, untechnical and unscientific men, Mr. Moir hopes to see these Saharas again converted into flourishing forests. Mr. Moir also prided himself on his close and long acquaintance with the Nallamalais. It has been my fortune, if I may call it so, to accompany one of the district officers into similar forests in another district. I own I saw the forests in a much different light then. In those days when we went out in our palanquins, large quantities of provisions, ghee and milk were brought on the shoulders of the poor people and these supplies no doubt helped to put on those roseate spectacles on our eyes which made the forests look very green as they did to Mr. Moir. But we know what these forests would look like once these magic spectacles are removed. I was also present at an inspection some years back by the hon. Mr. Todhunter of a panchayat forest in a place not very far from Madras I mean the Tambaran panchayat forest. There were profuse decorations and hundreds of people were seen in holiday dress and Mr. Todhunter was shown the newly planted panchayat forests where the trees were 5 inches high and planted perhaps only 3 weeks back, and the panchayat tank which was constructed probably not more than 36 hours back. This is the conservation and the Government regard it with great pride, and deny the poor famished ryot and his still more famished cattle, the sustenance they are entitled to. (Mr. Harisarvottama Rao : All the cattle have vanished.) What return do we get for all these hardships, for all this extravagance of money, which is wrung out of the ryots, not to speak of adequate return? About the condition of the cattle, a very correct picture was drawn by the previous speakers. I remember the days, the early eighties when the hon. Mr. Simm, the then Member, began his campaign against the goat. The health of the poor ryots living in the villages began to suffer, because bereft of his cattle, the goat's milk gave some sustenance to his family. If the goat is tabooed the poor villagers are bereft of even the cheap consolation of goat's milk. The hon. Mr. Moir drew a glowing picture of the beautiful house-building materials and the ploughs and various other timber that were given to the ryots. People who have got a closer acquaintance with the ryots know what it is the poor man really gets. Compounding fee is the one thing which he knows and knows to his cost ; and if he is not able to pay it himself,

15th March 1928] [Mr. T. Adinarayana Chettiar]

his women and children are turned out of their villages, and the very sub-magistrates who send them to the jail often shed tears of blood.

“Sir, at least in Mysore and some other States more sympathy is shown in the matter of forest administration and the ryots really do get some material and implements from the forests. But in Madras, the ryots get no benefits from the forests.

“One other point and I have done. It is the question of green manures without which our cultivation cannot go on. All the valuable manures are exported in tens of thousands of tons every year to foreign countries; the only manure the ryot is capable of getting is green manure, probably because it can't be exported. As regards that, the resolution that was passed almost unanimously in this House has been thrown to the winds. And one Government Order, dated 2nd May 1925, if I remember the date correctly, said that some districts at least are entitled to some consideration as regards the green manure leaves. In the district which I have the honour to represent, the district of North Arcot, a committee was appointed consisting of the Collector, District Forest Officer, and one or two non-officials, including the District Board President. That Committee made a report, but that report has not seen the light of day although it is now nearly three years since the Committee made its report. All these show how hollow the professions of the Government and of their spokesmen are when they say Mr. Harisarvottama Rao's men it is who are the spoilers who have reduced the beautiful Madras forests to the present degraded condition. ‘We are here’ says the Bureaucracy ‘to conserve and preserve the forests and make them a great source of national wealth’. But, may we ask, ‘After all the cattle are gone, after the men are gone, and their children are gone, and the fields are left fallow and uncultivated, what object can the Government have in conserving the forests in their “scientific” ways?’ I shall not dwell on this longer, because we have already said and said times without number and we are determined to repeat these onslaughts though it may be without any other effect, than to hear some jejune, stereotyped replies from Government. In our despair, however, one thing is left to us and that is to impress upon the Government the unanimous feeling of the people that they are dissatisfied with the present administration of the forests and this can be done only by a unanimous vote of the House.”

The House then adjourned to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.